

# Court of Appeals, State of Michigan

## ORDER

People of MI v Eugene Bolis

Docket No. 344575

LC No. 04-011221-01-FH

Kirsten Frank Kelly  
Presiding Judge

Cynthia Diane Stephens

Thomas C. Cameron  
Judges

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In lieu of granting the application for leave to appeal, the Court orders, pursuant to MCR 7.205(E)(2), that the June 19, 2018 order of the Wayne Circuit Court granting defendant's motion for relief from judgment hereby is REVERSED.

Even assuming *arguendo* that the provisions of MCR 6.500 *et seq.* apply and that counsel failed to inform defendant of the immigration consequences of his plea, the decision of the United States Supreme Court in *Padilla v Kentucky*, 559 US 356; 130 S Ct 1473; 176 L Ed 2d 284 (2010), does not apply retroactively. *People v Gomez*, 295 Mich App 411; 820 NW2d 217 (2012). Under pre-*Padilla* precedent in Michigan, defense counsel was not ineffective by failing to inform defendant of the potential immigration consequences of his plea. *Id.* at 418. See also *People v Davidovich*, 463 Mich 446, 453; 618 NW2d 579 (2000) (ruling that counsel's failure to advise defendant of potential immigration consequences of his guilty plea was not ineffective assistance of counsel). The circuit court abused its discretion by misapplying the law and by granting defendant's motion for relief from judgment on the basis of ineffective assistance of counsel. See *People v Walden*, 319 Mich App 344, 360; 901 NW2d 142 (2017). Defendant's guilty plea is REINSTATED.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 09 2018

Date

  
Chief Clerk