

Court of Appeals, State of Michigan

ORDER

People of MI v Ronnie Lamont Spears

Docket No. 344921

LC No. 16-002012-01-FC

Amy Ronayne Krause
Presiding Judge

Patrick M. Meter

Michael F. Gadola
Judges

The Court orders that the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

Ronayne Krause, J., would grant the delayed application for leave to appeal and states: This case deserves plenary review. As I see no cases directly on point, there is a question of whether what happened here was necessary or was a threat of some kind. The facts in this case are distinct. Defendant equivocated about whether or not to plead. He was given time to discuss this with his family. In the midst of these proceedings defendant did not take the plea and sentence agreement which included pleading guilty to second-degree murder and a sentence agreement of 20-50 years and dismiss the first-degree murder charge.

When defendant rejected the offer, the prosecutor stated that if the jury convicted defendant of the same charge to which he was pleading, second-degree murder, the prosecutor would recommend a sentence of 30-50. Understanding that this is a defendant for which a competency exam needed to be held and that there was a tremendous amount of equivocation during the plea, this case deserves plenary review.

At the time of sentencing and defendant's attempt to withdraw his plea, the trial court indicated that it asked defendant at the plea if anyone had promised or threatened him to get him to plead guilty, he told the court that it was sitting there when the prosecution said he would recommend 30 years if defendant did not plead guilty. Defendant said that the threat "was on the record". I believe this deserves plenary review to determine if this is in fact necessary to put on the record and/or if the type of statement by the prosecutor could or should be perceived as a threat or threatening.



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

OCT 15 2018

Date


Chief Clerk