

Court of Appeals, State of Michigan

ORDER

People of MI v Martell Jamel-Kennedy Solomon

Docket No. 346436

LC No. 17-007167-01-FC

Cynthia Diane Stephens
Presiding Judge

Kirsten Frank Kelly

Anica Letica
Judges

The Court orders that the motion to withdraw is DENIED. As counsel explains in his brief, there exists at least one nonfrivolous issue that could be raised. While counsel asserts in his brief that defendant does not wish to withdraw his plea, there is no affirmative support in the record for this statement. We will not presume from counsel's statement alone that defendant wishes to abandon any potential challenge to his plea. See *US v Palmer*, 600 F3d 897, 899 (CA 7, 2010); *US v Garcia*, 483 F3d 289 (CA 5, 2007).

Within 35 days of the Clerk's certification of this order, counsel for defendant-appellant shall file a brief in support of the delayed application addressing, at a minimum, whether defendant's plea provides a sufficient factual basis supporting his conviction of child sexually abusive activity, MCL 750.145c(2). If defendant instead wishes to withdraw the appeal, counsel may file a properly supported motion to that extent.

Letica, J., would grant the motion to withdraw.



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

MAR 20 2019

Date


Chief Clerk