

Court of Appeals, State of Michigan

ORDER

People of MI v Dalbert Lee Gilbert

Docket No. 346496

LC No. 18-003757-01-FH

Cynthia Diane Stephens
Presiding Judge

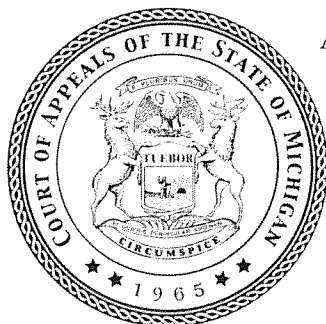
Kirsten Frank Kelly

Anica Letica
Judges

The Court orders that the motion to withdraw is DENIED without prejudice because counsel for defendant-appellant has failed to demonstrate that, after a “conscientious and thorough review of the trial court record,” an appeal would be wholly frivolous. MCR 7.211(C)(5). We are unable to conclude that appellate counsel fully considered any issues arising from defendant’s plea or sentence. Within 35 days of the Clerk’s certification of this order, counsel for defendant-appellant may file a supplemental brief in support of the motion to withdraw, in which counsel shall discuss the issues arising from defendant’s plea and sentence that he has considered, if counsel concludes that an appeal in this matter would be wholly frivolous. Without limiting the issues to be discussed, counsel is directed to address whether the trial court’s orders accurately reflect the sentence to which defendant was informed he would receive under the trial court’s sentencing evaluation, and whether the trial court accurately informed defendant of the maximum potential sentence for his conviction of possession of ammunition by a felon, MCL 750.224f(6). Alternatively, if counsel determines that an appeal would not be wholly frivolous, counsel shall file a brief in support of the delayed application within 35 days of the Clerk’s certification of this order.

We retain jurisdiction.

[Faint, illegible text]



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

MAR 20 2019

Date

[Signature of Jerome W. Zimmer Jr.]
Chief Clerk