

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

UNPUBLISHED  
July 5, 1996

v

CHRISTOPHER DARNELL BROOKS,  
Defendant-Appellant.

No. 180451  
LC Nos. 94-037230-FH;  
94-037223-FH;

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PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

CHRISTOPHER D. BROOKS,  
Defendant-Appellant.

No. 180844  
LC No. 94-037224-FH

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Before: White, P.J., and Sawyer and R.M. Pajtas,\* JJ.

PER CURIAM.

Defendant entered into a package plea agreement disposing of charges in three different lower court files before two different trial judges. Specifically, defendant pled guilty of retail fraud in the first degree, MCL 750.356c; MSA 28.588(3), malicious destruction of police property, MCL 750.377b; MSA 28.609(2), fleeing and eluding a police officer, MCL 750.479a; MSA 28.747(1), and retail fraud in the first degree, MCL 750.356c; MSA 28.588(3). The felony counts were supplemented by a third habitual offender charge. MCL 769.11; MSA 28.1083. The last offense for retail fraud was in front of Judge Kobza and defendant received a sentence of two years, eight months to four years in prison. The remaining charges were in front of Judge Graves, who imposed sentences of 2 to 4 years on the retail fraud conviction, 3½ to 8 years in prison on the malicious destruction conviction, and 9 months in the county jail on the fleeing and eluding conviction. The fleeing and eluding sentence was concurrent to the other terms imposed, but Judge Graves imposed consecutive sentences for the retail fraud conviction and malicious destruction conviction, both to each other and to the sentence for retail fraud imposed by Judge Kobza. Defendant now appeals and we reverse.

Defendant raises two issues on appeal, both arguing that he is entitled to withdraw his guilty plea because of the consecutive sentences imposed by Judge Graves. The prosecutor has

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\*Circuit judge, sitting on the Court of Appeals by assignment.

filed a brief confessing error, admitting that defendant is entitled to have these cases remanded to be allowed to withdraw or affirm his plea.

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Helene N. White  
/s/ David H. Sawyer  
/s/ Richard M. Pajtas