

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DEREK ANTONIO INGRAM,

Defendant-Appellant.

UNPUBLISHED

September 27, 1996

No. 185256

LC No. 94-012914

Before: J.H. Gillis, P.J., and G.S. Allen and J.B. Sullivan, JJ.*

MEMORANDUM.

Defendant pleaded guilty to receiving or concealing stolen property over \$100, MCL 750.535; MSA 28.803, and was sentenced to eighteen to sixty months' imprisonment. He appeals as of right. We remand. This case has been decided without oral argument pursuant to MCR 7.214(A).

We agree with defendant's claim that he should have been allowed to withdraw the plea after the trial court determined that it could not impose the "PA 511" probationary sentence, as the court had stated at the plea hearing it would do. *People v Cobbs*, 443 Mich 276, 283; 505 NW2d 208 (1993); *People v Conner*, 209 Mich App 419, 432; 531 NW2d 734 (1995). Therefore, we remand to the trial court to give defendant an opportunity to withdraw the plea. If defendant withdraws the plea, the case may proceed to trial consistent with MCR 6.312. If defendant does not withdraw the plea, his conviction and sentence shall be affirmed.

Remanded for further proceedings consistent with this opinion. No further jurisdiction.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.