

# Order

Michigan Supreme Court  
Lansing, Michigan

March 31, 2017

152778

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

ISRAEL A. VELEZ,  
Defendant-Appellant.

SC: 152778  
COA: 315209  
Alger CC: 2012-001997-FC

Stephen J. Markman,  
Chief Justice

Robert P. Young, Jr.  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen,  
Justices

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On order of the Court, the application for leave to appeal the October 13, 2015 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1). We further ORDER the Alger Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint attorney Mitchell T. Foster, if feasible, to represent the defendant in this Court. If this appointment is not feasible, the trial court shall, within the same time frame, appoint other counsel to represent the defendant in this Court.

The parties shall file supplemental briefs within 42 days of the date of the order appointing counsel, or of the ruling that the defendant is not entitled to appointed counsel, addressing: (1) whether the defendant's claim regarding the preliminary sentence evaluation under *People v Cobbs*, 443 Mich 276 (1993), is properly before this Court, given his failure to file a motion to withdraw his plea in the trial court, see MCR 6.310(D), and notwithstanding the prosecutor's failure to raise and preserve this issue, see *People v Oliver*, 417 Mich 366, 385-386 n 17 (1983); and (2) if so, whether the trial court failed to impose a sentence in accordance with the preliminary evaluation. The parties should not submit mere restatements of their application papers.



a0328

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 31, 2017

  
Clerk