

Order

Michigan Supreme Court
Lansing, Michigan

February 3, 2017

154247

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

JOSHUA LEVI ALGER,
Defendant-Appellee.

SC: 154247
COA: 322473
Muskegon CC: 12-061794-FH

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

On order of the Court, the application for leave to appeal the June 16, 2016 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals judgment holding that a defect in the plea proceeding occurred requiring the trial court to permit the defendant to withdraw his pleas. Where the defendant knowingly pleaded no contest being aware of the maximum possible prison sentences he was facing, he did not establish that an error occurred in the plea proceeding that would entitle him to have his plea set aside. MCR 6.310(C). We REMAND this case to the Court of Appeals for consideration of the coercion issue left unaddressed by that court. If the Court of Appeals determines that the issue lacks merit, in light of the prosecutor's concession that the defendant is properly characterized as a third habitual offender, it shall remand this case to the Muskegon Circuit Court and order that the defendant be resentenced as a third habitual offender.

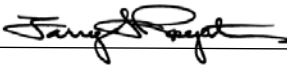
In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.



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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.

February 3, 2017


Clerk