

Order

Michigan Supreme Court
Lansing, Michigan

September 30, 2015

Robert P. Young, Jr.,
Chief Justice

151780

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 151780
COA: 326479
Genesee CC: 13-033534-FC

BRIAN EDWARD BROCHU,
Defendant-Appellant.

By order of July 28, 2015, the prosecuting attorney was directed to answer the application for leave to appeal the April 29, 2015 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the Court of Appeals order granting leave to appeal in part and we REMAND this case to the Genesee Circuit Court to state whether the court accepted the sentencing agreement that the parties reached for a minimum sentence of eight years for the plea-based armed robbery conviction, pursuant to *People v Killebrew*, 416 Mich 189 (1982), because the present record is insufficient to make this determination. If the agreement was accepted by the trial court, it shall impose the agreed-upon sentence. If the trial court did not accept the agreement, the defendant shall be given the opportunity to withdraw his plea. *Id.* at 194-195



s0930

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.

September 30, 2015


Clerk