

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v John Richard McCaffrey**  
Docket No. **287063**  
L.C. No. **2007-218132-FC**

Deborah A. Servitto, Judge, acting under MCR 7.211(E)(2) and MCR 7.211(C)(7), orders:

The confession of error by the prosecutor is APPROVED and defendant-appellant's sentence is VACATED. The matter is REMANDED to the trial court for resentencing. On remand, if the court chooses to impose a sentence different than the preliminary sentencing evaluation agreed to pursuant to *People v Cobbs*, 443 Mich 276; 505 NW2d 208 (1993), the court shall explain to defendant that the recommendation was not accepted, state the sentence that the court finds to be appropriate and then give defendant the opportunity to affirm or withdraw his plea of no contest. *People v Williams*, 464 Mich 174, 177; 626 NW2d 988 (2001).

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR - 4 2009

Date

*Sandra Schultz Mengel*  
Chief Clerk