

Court of Appeals, State of Michigan

ORDER

People of MI v Nicole Lynn Fellhauer

Elizabeth L. Gleicher
Presiding Judge

Docket No. 290235

Kathleen Jansen

LC No. 2007-218135-FC

Henry William Saad
Judges

In lieu of granting leave to appeal, the Court orders, pursuant to MCR 7.205(D)(2), that defendant's judgment of sentence is VACATED and this matter is REMANDED to the trial court. The trial court shall either resentence defendant in accordance with the agreement under which she pleaded guilty or allow her to withdraw her plea. *People v Cobbs*, 443 Mich 276; 505 NW2d 208 (1993). The delayed application for leave to appeal is otherwise DENIED.

This order has immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



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

APR 28 2009

Date

Sandra Schultz Mengel
Chief Clerk