

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NFEFTRICA TURRENTINE,
Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

UNPUBLISHED
June 28, 2012

v

NFEFTRICA TURRENTINE,

Respondent-Appellant.

No. 301556
Wayne Circuit Court
Family Division
LC No. 10-496398

Before: DONOFRIO, P.J., and STEPHENS and RONAYNE KRAUSE, JJ.

MEMORANDUM.

Respondent, a juvenile, entered a plea of admission to two counts of resisting or obstructing police officer causing injury, MCL 750.81(d)(2), and was sentenced to juvenile probation. She appeals as of right. We vacate and remand the case to the trial court for further proceedings consistent with this opinion within 36 days.

Respondent challenges the adequacy of the factual bases for her pleas. However, she did not raise this issue below in a motion to withdraw her pleas pursuant to MCR 3.941(D), or in a motion for rehearing pursuant to MCR 3.992. However, contrary to the petitioner's argument, there is no requirement that she do so or suffer waiver.

Respondent entered a plea of admission to two counts of violating MCL 750.81d(2), which provides:

An individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person who the individual knows or has reason to know is performing his or her duties causing a bodily injury requiring medical attention or medical care to that person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

Petitioner concedes that there was no evidence offered at the plea concerning medical attention or medical care provided to the officers. However, petitioner correctly argues that the remedy for the deficiency is to remand to the trial court for supplementation of the record. *People v*

Kedo, 108 Mich App 310, 313-314; 310 NW2d 224 (1981). If the petitioner cannot establish that respondent committed the offenses that were charged, then the trial court must set aside the adjudications. *Id.*; *People v Brownfield*, 216 Mich App 429, 434; 548 NW2d 248 (1996).

Vacated and remanded to the trial court. We do not retain jurisdiction.

/s/ Pat M. Donofrio
/s/ Cynthia Diane Stephens
/s/ Amy Ronayne Krause