

Court of Appeals, State of Michigan

ORDER

People of MI v Christopher William Willis

Docket No. 314568

LC No. 12-002541-01-FH

Kurtis T. Wilder
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court further orders that the January 25, 2013, order of the Wayne County Circuit Court is REVERSED. While this Court is sympathetic with the trial court's expressions of frustration regarding the delay on its docket, the prosecution has conceded that there was no authority to support its request to set aside defendant's plea, over defendant's objection, after the plea was accepted by the trial court on November 1, 2012. See MCR 6.310(B) and (E). Therefore, the trial court should have granted defendant's motion to reinstate the plea. Given the fact that defendant has retained a new trial counsel and the record does not demonstrate any actual bias against defendant, this Court will not direct sentencing before another judge, as requested by defendant in his application. Accordingly, the matter is REMANDED to the trial court for sentencing on the one count to which defendant entered a plea, leaving the scene of an accident where serious injury resulted, MCL 257.617.

The motion for stay is DENIED AS MOOT.

Pursuant to MCR 7.215(F)(2), this order shall take immediate effect. The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 13 2013

Date


Chief Clerk