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Court of Appeals, State of Michigan

ORDER

People of MI v Aaron Jacob Collard

Jane E. Markey
Presiding Judge

Docket No. 315221

Joel P. Hoekstra

LC No. 11-020402-FH

Douglas B. Shapiro
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the December 21, 2012 judgment of sentence and REMANDS this matter to the trial court to allow defendant the opportunity to withdraw his plea. The record of November 8, 2012 establishes that the trial court failed to advise defendant of his right to a contested hearing, MCR 6.445(B)(2)(a), and otherwise failed to comply with the requirements of MCR 6.445(F). The failure of the trial court to comply with MCR 6.445(B) and (F) precludes us from finding that defendant's plea was an understanding, knowing and voluntary plea. *People v Alame*, 129 Mich App 686, 689-690; 341 NW2d 870 (1983). This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



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

APR 12 2013

Date


Chief Clerk