

Court of Appeals, State of Michigan

ORDER

People of MI v Darnell Dykes

Docket No. 318038

LC No. 12-008134 FH

Deborah A. Servitto
Presiding Judge

Kathleen Jansen

Elizabeth L. Gleicher
Judges

The Court orders that, pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the May 16, 2008 Judgment of Sentences is VACATED, and the matter is remanded to allow defendant the opportunity to withdraw his plea. The record of May 7, 2013 establishes that the trial court failed to inform defendant of the rights he was waiving, and otherwise failed to comply with the requirements of MCR 6.302(B) – (E). The failure to comply with MCR 6.302(B) – (E) precludes us from finding that the plea was voluntary, see *People v Parker*, 276 Mich App 213, 217; 738 NW2d 257 (2007). As such, the judgment is vacated and this case is REMANDED to allow defendant the opportunity to withdraw his plea. *People v Wilhite*, 240 Mich App 587, 596-597; 618 NW2d 386 (2000). We do not retain jurisdiction.

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on



NOV 20 2013

Date

Chief Clerk