

Court of Appeals, State of Michigan

ORDER

People of MI v Columbus Wayne Thompson

Docket No. 318143

LC No. 11-001005-FH

Kirsten Frank Kelly
Presiding Judge

Karen Fort Hood

Cynthia Diane Stephens
Judges

In lieu of granting the delayed application for leave to appeal, the judgment of sentence entered in this case on March 13, 2013 is VACATED and this case is REMANDED to the trial court to conduct a proper probation violation hearing and any other appropriate proceedings. The trial court did not conduct a proper probation violation hearing as required by MCR 6.445(E)(1), and its determination that defendant violated his probation was not supported by proper factual findings under MCR 6.445(E)(2). We note that the contents of the police report relied on by the trial court did not constitute verified facts in the record to support a finding of a probation violation by a preponderance of the evidence. *People v Pillar*, 233 Mich App 267, 269-270; 590 NW2d 622 (1998). In light of this disposition, we need not reach the sentencing issues raised in the delayed application.

The motion to remand is DISMISSED as moot in light of the relief granted with regard to the delayed application for leave to appeal.



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

OCT 29 2013

Date

Jerome W. Zimmer Jr.
Chief Clerk