

Order

Michigan Supreme Court
Lansing, Michigan

July 15, 2022

Bridget M. McCormack,
Chief Justice

164110

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 164110
COA: 353209
Genesee CC: 19-045059-FH

JOSEPH LEE JONES,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 13, 2022 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

We further ORDER the Genesee Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint John W. Ujlaky, if feasible, to represent the defendant in this Court. If this appointment is not feasible, the trial court shall, within the same time frame, appoint other counsel to represent the defendant in this Court.

The parties shall address: (1) whether the defendant is entitled to withdraw his plea where the trial court provided an estimated guidelines range with its preliminary evaluation of an appropriate sentence but did not advise the defendant that his final range could be different, see *People v Cobbs*, 443 Mich 276, 283 (1993); (2) whether the trial court indicated it would consider a sentence within a particular range rather than at the very bottom of the sentencing guidelines; (3) if the trial court did indicate it was looking at a range, whether the range it was considering was sufficiently clear to enable appellate review of whether the trial court imposed a sentence consistent with its preliminary evaluation; and (4) whether the trial court imposed a sentence consistent with its preliminary evaluation.


The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 15, 2022


Clerk