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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED January 12, 2026 9:53 AM
v	No. 372090 Otsego Circuit Court
JEREMY JAMES PHILLIPS, Defendant-Appellant.	LC Nos. 2023-006587-FH, 2023-006588-FH

Before: CAMERON, P.J., and KOROBKIN and BAZZI, JJ.

PER CURIAM.

Defendant, Jeremy James Phillips, appeals by leave granted[1] his plea-based convictions for possession of methamphetamine, MCL 333.7403(2)(b)(*i*), delivery/manufacture of methamphetamine, MCL 333.7401(2)(b)(*i*), and operating a motor vehicle with a suspended or revoked license, MCL 257.904(1). Phillips sought the withdrawal of his plea before sentencing and he further moved to withdraw his plea after sentencing; the trial court denied both requests. Phillips was subsequently sentenced to concurrent terms of 23 to 120 months' incarceration for the possession of methamphetamine conviction, 72 to 240 months' incarceration for the delivery/manufacture of methamphetamine conviction, and 95 days in jail for the operating a motor vehicle with a suspended or revoked license conviction. Phillips now appeals, arguing that his plea was not understanding, voluntary, and accurate, and that his presentence request to withdraw his plea was decided under the incorrect legal standard. We disagree and affirm.

I. BASIC FACTS AND PROCEDURAL HISTORY

This appeal arises out of Phillips's two attempts to withdraw from a plea agreement that pertained to three separate cases before the trial court. The facts underlying the offenses are not at issue. Phillips was initially charged with one count of delivery/manufacture of methamphetamine, second or subsequent offense, MCL 333.7413, one count of operating a motor

[1] *People v Phillips*, unpublished order of the Court of Appeals, entered October 9, 2024 (Docket No. 372090).

vehicle with a suspended or revoked license, second or subsequent offense, MCL 257.904(3)(b), and as a fourth-offense habitual offender, MCL 769.12, under LC No. 2023-006587-FH. Phillips was further initially charged with one count of delivery/manufacture of methamphetamine, second or subsequent offense, and as a fourth-offense habitual offender, under LC No. 2023-006588-FH.

Pursuant to the terms of the plea agreement, Phillips pleaded guilty to the offenses of delivery/manufacture of methamphetamine and operating a motor vehicle with a suspended or revoked license under LC No. 2023-006587-FH, and he pleaded guilty to the lesser offense of possession of methamphetamine under LC No. 2023-006588-FH. In exchange, the prosecution dismissed all sentence enhancements related to the aforementioned offenses, in addition to all charges in a third case, LC No. 2023-006586-FH. During the plea hearing, the trial court first inquired whether Phillips "had enough time to stay in contact with" his attorney, to which Phillips responded negatively. The court granted defense counsel's request to recall Phillips's matter in the afternoon to allow sufficient time for defense counsel to "discuss the case with [Phillips] at length." After the parties reconvened, the trial court confirmed Phillips had adequate time to address the case with his attorney, and the parties' respective counsel proceeded to detail the terms of the plea agreement, as previously noted. Phillips expressed that he desired to continue with the plea process.

The trial court swore in Phillips, and it proceeded to formally delineate the conditions of the plea agreement, asking whether Phillips understood that LC No. 2023-006586-FH would be dismissed in its entirety, and Phillips would be convicted of one count of delivery/manufacture of methamphetamine, and one count of operating a motor vehicle with a suspended or revoked license under LC No. 2023-006587-FH. Phillips expressed some confusion regarding the delivery/manufacture offense inquiring, "Did you say delivery intent—or possession with intent to deliver[], or delivery?" The trial court explained that while the offenses may appear distinct, the penalty did not differ "whether it's completed delivery or whether it's possession with intent to deliver." The court further inquired whether Phillips was aware that the methamphetamine offenses constituted a felony, with a potential maximum sentence of 20 years. Phillips responded, "I am now, Your Honor. I thought it was a 15-year felony. I thought it was lesser than the delivery." The trial court replied, "It's not. It's the same exact penalty, it's a 20-year maximum whether it's the completed delivery or intent to—possession with intent to deliver. Are you now aware of that?" Phillips stated, "I am now aware."

The trial court then asked Phillips if he "still want[ed] to go forward with the plea agreement." Phillips expressed, "I would like to talk to my family to be honest," and inquired whether the trial court could address how his plea would affect his "scoring grade." The trial court explained that both the delivery/manufacture and possession offenses were "on the same scoring grid," but the sentencing guidelines were "fact specific," such that the court "can't tell you what the guidelines will be until I examine the facts, which I'll only get once I have a Pre-Sentence Investigative [sic] Report." The court further clarified the benefits of the plea agreement. The trial confirmed that it fully answered Phillip's question, with Phillips responding positively and expressing his desire to continue with the plea. The court reiterated the terms of the plea agreement, stopping at several points during the proceeding to ensure Phillips understood the consequences of the guilty plea for the subject offenses. Phillips ultimately pleaded guilty and was convicted as previously described.

During the subsequent sentencing hearing, Phillips requested the withdrawal of his guilty plea asserting that he was "very improperly represented," that he "wasn't really aware of what [he] was pleading to and what the guidelines may have been," and that "there's a lot of facts in this case that I am willing to argue with the Courts that are not, you know, factual." The trial court denied Phillip's oral motion to withdraw his plea, opining that it was "aware of no error in the plea proceeding." Phillips was then sentenced as previously detailed. Phillips filed a post-sentence motion to withdraw his plea on similar grounds, which the trial court also denied after a hearing. This appeal ensued.

II. STANDARDS OF REVIEW

We review a trial court's ruling on a motion to withdraw a guilty plea for an abuse of discretion. *People v Spears*, 346 Mich App 494, 502; 13 NW3d 20 (2023). "A trial court abuses its discretion when its decision falls outside the range of reasonable and principled outcomes" or if it "makes an error of law." *People v Swain*, 288 Mich App 609, 628-629; 794 NW2d 92 (2010) (quotation marks and citations omitted). The trial court's underlying factual findings are reviewed for clear error. *People v Odom*, 327 Mich App 297, 303; 933 NW2d 719 (2019). "Clear error exists if the reviewing court is left with a definite and firm conviction that the trial court made a mistake." *Id*. at 304 (quotation marks and citation omitted). This Court will "review de novo questions of law, including the interpretation of statutory and constitutional provisions." *Id*. at 303.

III. MOTION FOR PLEA WITHDRAWAL

Phillips first argues that he should be permitted to withdraw his guilty plea because his plea was not understanding, voluntary, and accurate. Phillips contends that he was unaware of the pertinent sentencing guidelines range regarding the delivery/manufacture of methamphetamine offense, that there were factual issues underlying the convictions he desired to address, and that he had insufficient time and resources to address his cases with counsel. We disagree.

"In order for a plea to be voluntary and understanding the defendant must be fully aware of the direct consequences of the plea." *People v Blanton*, 317 Mich App 107, 118; 894 NW2d 613 (2016) (quotation marks and citation omitted). Minor errors, mistakes, or misunderstandings in the plea process do not necessarily render a plea unknowing or involuntary. *People v Guyton*, 511 Mich 291, 306; 999 NW2d 393 (2023). However, a plea must be a knowing, intelligent act "done with sufficient awareness of the relevant circumstances and likely consequences." *Id*. at 303. A plea cannot be understandingly and knowingly entered into if it was "induced on the basis of an inaccurate understanding of the minimum and maximum possible prison sentence." *Id*. at 302-303. And in order for a plea to be accurate, "the trial court must establish a factual basis for the plea." *People v Pointer-Bey*, 321 Mich App 609, 616; 909 NW2d 523 (2017). The factual basis for a plea is adequate if "the fact-finder could have found the defendant guilty on the basis of the facts elicited from the defendant at the plea proceeding." *People v Fonville*, 291 Mich App 363, 377; 804 NW2d 878 (2011).

In the present case, Phillips's testimony during the plea hearing indicates that he was fully aware of the direct consequences of pleading guilty to the underlying charges, and that his guilty plea was based on an accurate understanding of the potential sentences accompanying the plea-

based convictions. Phillips asserts that he did not understand the distinction between delivery/manufacture of methamphetamine and possession of methamphetamine, and that he was unaware of the maximum sentence for the delivery/manufacture offense. However, the record provides otherwise. During the plea colloquy, the following exchange occurred between the trial court and Phillips:

> *Q*. Possession with intent to deliver methamphetamine is a felony offense, the maximum punishment for that felony offense is up to 20 years in the State prison system and/or a fine of up to $25,000. Are you aware of that?
>
> *A*. I am now, your Honor. I thought it was a 15-year felony. I thought it was lesser than the delivery.
>
> *Q*. It's not. It's the same exact penalty, it's a 20-year maximum whether it's the completed delivery or intent to—possession with intent to deliver. Are you now aware of that?
>
> *A*. I am now aware.

The court further provided, after Phillips inquired how the plea would alter his sentencing guidelines:

> The delivery offense and the possession with intent to deliver offense are on the same scoring grid. The guidelines likely would be identical, but guidelines, as you know, Mr. Phillips, are fact specific. So the Court can't tell you what the guidelines will be until I examine the facts, which I'll only get once I have a Pre-Sentence Investigative Report.
>
> The benefit of the plea agreement though is going to be the same, which is if you plead guilty to the possession with intent to deliver the prosecutor is going to dismiss the second or subsequent offense notice, which could have the [e]ffect of doubling guidelines range, as well as maximum—doubling the maximum punishment. The Prosecutor is also going to dismiss the habitual fourth, which, of course, as you know, carries with it a life potential maximum in prison.
>
> So the offense characteristics, the maximum punishment, is the same, again, between possess with intent to deliver and the delivery itself.

While the trial court should have explicitly stated that the offense cited in the judgment of sentence would be delivery/manufacture of methamphetamine as opposed to possession with intent to deliver methamphetamine, the court properly delineated the potential sentences accompanying the offenses, and it consistently inquired whether Phillips understood the penalties accompanying the guilty plea. The court further detailed the benefits of entering the guilty plea, which included the dismissal of LC No. 2023-006586-FH, and the removal of the sentence enhancements, which would have otherwise resulted in a potential maximum sentence of incarceration for life. At no point during the trial court's subsequent explanation of the offenses, their respective penalties, the facts underlying the offenses, or the waiver of certain rights, did Phillips indicate that he did not desire to proceed with the plea, or that he was otherwise conflicted regarding its terms. Further,

considering Phillips's extensive legal history, it was less likely that he unaware of the potential implications of pleading guilty.

While Phillips contends that there were factual issues underlying the offenses that he intended to address, and that he was disadvantaged by his inability to access discovery, Phillips omits any discussion of these alleged issues on appeal. See *People v Haynes*, 338 Mich App 392, 435 n 3; 980 NW2d 66 (2021). Further, during the plea hearing, the trial court detailed the factual basis and elements of each subject offense, which Phillips affirmed. Phillips additionally asserts that he had inadequate time and resources to properly discuss his cases with counsel, but the trial court adjourned the plea hearing to allow Phillips and his attorney to discuss the plea agreement. Moreover, Phillips responded positively when the court inquired whether he had "sufficient time to discuss this matter with [his] attorney." In light of the foregoing, we cannot conclude that Phillip's plea was unknowing, involuntary, or inaccurate, such that he is entitled to relief.

IV. THE STANDARD FOR PLEA WITHDRAWAL

Phillips further argues that the withdrawal of his guilty plea is warranted because his matter was decided under the incorrect legal standard, and the withdrawal was in the interest of justice. We disagree.

In this case, when the trial court denied Phillips's presentence oral motion to withdraw his plea, the court informed Phillips that "the only basis that you could ask for me to allow you to withdraw a plea is if there was some sort of error in the plea proceeding." However, the trial court's statement of the pertinent plea-withdrawal standard was incomplete. Before sentencing, a trial court is *required* to grant plea withdrawal if the defendant's motion is based on an error in the plea proceeding that would entitle a defendant to have their plea set aside. *People v Wilhite*, 240 Mich App 587, 593-594; 618 NW2d 386 (2000). But if there was no error in the plea proceeding, the trial court maintains the discretion to allow withdrawal of the plea in the interest of justice under MCR 6.310(B). *Id.* Under MCR 6.310(B), the defendant has the burden of demonstrating a fair and just reason for the plea withdrawal. *Id*. at 594. Considering the foregoing, the trial court did not expressly recognize that it had discretion under MCR 6.310(B) to allow Phillips to withdraw his plea in the interest of justice.

Generally, when a court fails to exercise discretion when called on to do so, it abuses its discretion. *People v Stafford*, 434 Mich 125, 134, 134 n 4; 450 NW2d 559 (1990). In the instant matter, the trial court did not exercise its discretion in its initial decision to deny the plea withdrawal because of a mistaken apprehension that it was unable to do so absent an error in the proceeding. However, the court additionally opined in explaining its rationale for the denial:

> So if I were to grant you the request, even if I thought there was a lawful basis for it, which there's not, all that would mean is that the plea agreement would be taken away and I would allow you to take your plea away, and likely what I would be doing is only allowing you to hurt yourself more. Because the facts and circumstances appear from the [presentence investigation report] and from your admissions to be so clear that if there was a legal basis for you to withdraw a plea, all you would do is end up hurting yourself and getting sentenced ultimately down the road to much more time.

Thus, it appears the trial court believed the denial of the plea withdrawal was warranted, even under the assumption that it had the discretion to grant Phillips's initial oral motion. Moreover, during Phillips's post-sentence motion hearing, the trial court effectively reconsidered Phillips's request for the withdrawal of his guilty plea.

The purpose of a motion for reconsideration "is to allow a trial court to immediately correct any obvious mistakes it may have made in ruling on a motion, which would otherwise be subject to correction on appeal, but at a much greater expense to the parties." *Bers v Bers*, 161 Mich App 457, 462; 411 NW2d 732 (1987). While the trial court did not characterize its ruling at the post-sentence motion hearing as a motion for reconsideration, this Court reviews the substance of a lower court's rulings irrespective of how the trial court characterizes those rulings. *People v Mehall*, 454 Mich 1, 5; 557 NW2d 110 (1997). At the motion hearing, the trial court addressed its error in applying the improper legal standard. But it simultaneously determined that both legal standards required the defendant to demonstrate a proper basis for withdrawal, and that Phillips failed to provide such a basis under either standard since "there was no interest of justice to withdraw a plea, and there was no defect in the plea proceedings." Thus, because the trial court reconsidered Phillips's motion under the appropriate legal standard, we opine that its ultimate ruling was not based on an error of law.

Further, the trial court did not abuse its discretion in ruling that Phillips neglected to establish a fair and just reason to withdraw his plea. Claims of actual innocence or valid defenses to a charge are both fair and just reasons for the trial court to allow plea withdrawal. *Fonville*, 291 Mich App at 378. Circumstances under which the plea in question is shown to be a "product of fraud, duress, or coercion" further justify plea withdrawal. *People v Gomer*, 206 Mich App 55, 58; 520 NW2d 360 (1994). In the present case, Phillips did not claim that his plea was the product of fraud, duress, or coercion, and dissatisfaction with a sentence or incorrect advice from defense counsel generally do not constitute fair and just reasons to allow plea withdrawal. *Fonville*, 291 Mich App at 378.

Phillips contends that he had several fair and just reasons beyond dissatisfaction with his sentences that warranted the withdrawal of his guilty plea. First, Phillips asserts that he misunderstood the ramifications of his delivery/manufacture conviction. But because the trial court extensively explained the terms of the plea agreement and the potential accompanying sentences to Phillips multiple times during the plea hearing, and Phillips affirmed that he understood, plea withdrawal is inappropriate on this basis. Phillips further claims that he was unaware of his sentencing guidelines range for the underlying offenses. However, the record plainly provides that no promises were made to Phillips regarding the potential sentences, and Phillips expressly stated that he understood that the delivery offense constituted a felony with a maximum incarceration term of 20 years.

Phillips reiterates that he should be permitted to withdraw his plea because he still had factual issues to argue. However, his claim does not amount to more than a bare assertion that he did not commit the underlying offenses. A defendant's later "bare assertion . . . that he did not commit a crime does not rebut the factual basis for his plea . . . . " *People v Montrose*, 201 Mich App 378, 381-382; 506 NW2d 565 (1993). Further, while Phillips asserted, "I am not a drug dealer; I'm a drug addict," and that his "intent was not to sell," such contentions directly conflict with his sworn testimony during the plea hearing. See *People v White*, 307 Mich App 425, 430-

431; 862 NW2d (2014) ("This Court held that when a plea is entered in accordance with the applicable court rules, a trial court is barred from considering testimony or affidavits inconsistent with statements made during the plea hearing.")

Phillips contends that he lacked the opportunity to speak to counsel before proceeding with the plea agreement. However, the trial court provided Phillips with approximately five hours to discuss the matter with his attorney, Phillips expressly informed the trial court that he had adequate time to speak to counsel, and he did not request any additional intermissions during the plea hearing to consult his attorney. Lastly, Phillips argues that he should have been allowed to withdraw his plea because he believed there was a substantive distinction between the offenses of possession with intent to deliver methamphetamine and delivery of methamphetamine. However, the resulting penalty for the offense of which he was convicted, delivery/manufacture of methamphetamine, was properly explained by the trial court, and Phillips testified that he did not maintain the legal authority to deliver the methamphetamine. Based on the record, we cannot conclude that the trial court's rulings on Phillips's plea-withdrawal motions were outside the range of reasonable and principled outcomes, or based on an error of law such that Phillips is entitled to relief.

Affirmed.

/s/ Thomas C. Cameron
/s/ Daniel S. Korobkin
/s/ Mariam S. Bazzi