Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V ROBERT ANTHONY SMITH

Docket No. 379523

LC No. 12-009631-01-FC

Sima G. Patel
Presiding Judge

Allie Greenleaf Maldonado

Adrienne N. Young
Judges

The motion for immediate consideration is GRANTED.

The delayed application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review. As this Court noted in *People v Smith*, unpublished order of the Court of Appeals, entered August 26, 2025 (Docket No. 375478), it appears that the trial court has still not complied with the Supreme Court's remand directives as stated in *People v Smith*, 499 Mich 898 (2016). Once those remand proceedings are completed, defendant may have a right to an appeal, limited to the scope of the remand proceedings. See, e.g., *People v Kincade*, 206 Mich App 477, 481; 522 NW2d 880 (1994) (emphasis added) ("[W]here an appellate court remands for some limited purpose following an appeal as of right in a criminal case, a second appeal as of right, *limited to the scope of the remand*, lies from the decision on remand"). And, the trial court has directed counsel to file a motion for relief from judgment on defendant's behalf. Once that motion is filed and adjudicated, it is possible that defendant would seek leave to appeal from such an order. As such, we deny this application for failure to persuade, so that, to the extent the trial court's denial of the motion to withdraw is properly within the scope of any later appeal, the issue may be raised in this Court at that time.

Presiding Judge

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

March 25, 2026
Date

Chief Clerk