

MICHIGAN SUPREME COURT

People of the State of Michigan v. Joe Luis Boatman

SC No. 129999 (Mich. May 26, 2006) · No. SC No. 129999; COA No. 265657; Saginaw Circuit Court No. 99-017170-FH · Decided April 26, 2006

SUMMARY

The Michigan Supreme Court remanded the case to the Court of Appeals to consider whether the defendant's guilty plea was understanding when he was not informed of the maximum sentence applicable under habitual-offender enhancement. Justice Young, joined by Justice Corrigan, dissented, reasoning that Michigan's plea rule required advisement of the maximum sentence for the offense itself and that the trial court substantially complied with the rule.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Clifford W. Taylor, Chief Justice; Michael F. Cavanagh; Elizabeth A. Weaver; Marilyn Kelly; Maura D. Corrigan; Robert P. Young, Jr.; Stephen J. Markman
JURISDICTION	Michigan
DECIDED	April 26, 2006
DOCKET	SC No. 129999; COA No. 265657; Saginaw Circuit Court No. 99-017170-FH
DISPOSITION	remanded
PROCEDURAL POSTURE	The Michigan Supreme Court considered the defendant's application for leave to appeal from a November 4, 2005 order of the Michigan Court of Appeals. In lieu of granting leave, it remanded the matter to the Court of Appeals for consideration as on leave granted.
STANDARD OF REVIEW	The dissent stated that a reviewing court should not set aside a guilty plea when the trial court substantially complied with MCR 6.302(B), and that reversal for a violation occurs when the court failed to inform the defendant of specified constitutional rights or when the plea proceedings otherwise failed to establish understanding.
PRECEDENTIAL VALUE	Published Michigan Supreme Court order; the order resolves the appellate disposition but does not decide the merits of the plea-understanding issue.

PARTIES

Joe Luis Boatman v. People of the State of Michigan

TOPICS

plea bargaining

criminal procedure

sentencing

appellate procedure

statutory interpretation

PRACTICE AREAS

criminal procedure

plea bargaining

appellate procedure

sentencing

QUESTIONS PRESENTED

1. Whether Boatman's guilty plea was understanding under MCR 6.302(B) when he was not informed of the maximum possible sentence resulting from his status as a habitual offender.
2. Whether substantial compliance with MCR 6.302(B) is sufficient when the defendant was informed of the applicable trial rights and sentencing information through the record, including statements made by the prosecutor.

HOLDINGS

1. The court remanded the case to the Michigan Court of Appeals for consideration, as on leave granted, of whether the plea was understanding under MCR 6.302(B). The Supreme Court did not decide the merits of that question.

KEY QUOTATIONS

“we REMAND this case to the Court of Appeals for consideration, as on leave granted, of whether defendant’s plea was understanding when defendant was not informed of the maximum possible sentence as an habitual offender.” (at 1)

“MCR 6.302(B) only requires that the court inform a defendant of the maximum possible prison sentence for the offense to which the defendant pleads guilty.” (at 2)

“A violation of MCR 6.302(B) only requires reversal when the trial court fails to inform the defendant of one of the following three constitutional rights: (1) the right to trial by jury; (2) the right to confront one’s accusers; or (3) the privilege against self-incrimination.” (at 2)

FACTUAL BACKGROUND

Boatman pleaded guilty to resisting arrest and was subject to sentencing as a fourth habitual offender. The trial court informed him that resisting arrest carried a two-year statutory maximum, but allegedly did not inform him of the maximum sentence resulting from habitual-offender enhancement. The prosecutor stated on the record that the minimum guidelines range was five to 46 months, and Boatman entered the plea under an agreement that his minimum sentence would fall within the guidelines.

PROCEDURAL HISTORY

Boatman challenged the understanding of his guilty plea because he was not informed of the maximum possible sentence applicable to him as a fourth habitual offender. The Michigan Supreme Court remanded to the Court of Appeals to consider that issue as on leave granted and did not retain jurisdiction. Justice Young dissented, joined by Justice Corrigan, and would have denied leave to appeal.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Michigan Court of Appeals was directed to consider, as on leave granted, whether defendant's plea was understanding when he was not informed of the maximum possible sentence as an habitual offender. The Supreme Court did not retain jurisdiction.

CASES CITED

- People v. Doyle, 451 Mich. 93, 102 (1996)
- People v. Bewersdorf, 438 Mich. 55, 67 (1991)
- People v. Zinn, 217 Mich. App. 340, 345 (1996)
- People v. Anderson, 210 Mich. App. 295, 297-298 (1995)
- People v. Oswald (After Remand), 188 Mich. App. 1, 12 (1991)
- People v. Saffold, 465 Mich. 268, 273, 278, 280 (2001)
- Guilty Plea Cases, 395 Mich. 96, 114-115
- People v. Willsie, 96 Mich. App. 350, 353 (1980)

OPINION

PER CURIAM.

Order Michigan Supreme Court Lansing, Michigan May 26, 2006 Clifford W. Taylor, Chief Justice 129999 Michael F. Cavanagh Elizabeth A. Weaver Marilyn Kelly Maura D. Corrigan PEOPLE OF THE STATE OF MICHIGAN, Robert P. Young, Jr. Plaintiff-Appellee, Stephen J. Markman, Justices v SC: 129999 COA: 265657 Saginaw CC: 99-017170-FH JOE LUIS BOATMAN, Defendant-Appellant. _____/ On order of the Court, the application for leave to appeal the November 4, 2005 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration, as on leave granted, of whether defendant's plea was understanding when defendant was not informed of the maximum possible sentence as an habitual offender.

MCR 6.302(B)(2). We do not retain jurisdiction. YOUNG, J., dissents and states as follows: I respectfully dissent from the majority's decision to remand this case to the Court of Appeals for

consideration as on leave granted. I believe that defendant's plea was "understanding" for purposes of MCR 6.302(B). MCR 6.302(B) only requires that the court inform a defendant of the maximum possible prison sentence for the offense to which the defendant pleads guilty.

Nothing in the language of MCR 6.302(B) requires the trial court to inform defendants of the possible sentencing enhancement they face as a result of their status as habitual offenders. Although defendant faced a possible sentence of 15 years imprisonment because of his status as a fourth habitual offender, the status of being a habitual offender is not an 2 offense.¹ Rather, Michigan's habitual offender statutes provide a "'sentence- enhancement procedure with a deterrent and punitive purpose.'"² Consequently, MCR 6.302(B) does not require the trial court to inform a defendant about the maximum sentence he faces based on habitual offender enhancement.

It only requires the defendant to be informed of the "maximum possible prison sentence for the offense" to which he pled guilty. Indeed, the trial court complied with this rule by informing defendant that the charge of resisting arrest carries a two-year statutory maximum sentence.

Moreover, a reviewing court will not set aside a defendant's plea for lack of "understanding" when the trial court has substantially complied with MCR 6.302(B).³ A violation of MCR 6.302(B) only requires reversal when the trial court fails to inform the defendant of one of the following three constitutional rights: (1) the right to trial by jury; (2) the right to confront one's accusers; or (3) the privilege against self-incrimination.⁴ Otherwise, an appellate court must determine whether "the defendant was informed of such constitutional rights and incidents of a trial as is reasonable to warrant the conclusion that he understood what a trial is and that by pleading guilty he was knowingly and voluntarily giving up his right to a trial and such rights and incidents."⁵ Substantial compliance with MCR 6.302(B) is sufficient.⁶ The trial court substantially complied with the court rule by stating that the sentence it imposed would be within the correctly scored guidelines, and then imposing a minimum sentence that fell within the guidelines.

Defendant made no objection that the minimum sentence exceeded the two year maximum for resisting arrest. 1 *People v Doyle*, 451 Mich 93, 102 (1996); *People v Bewersdorf*, 438 Mich 55, 67 (1991); *People v Zinn*, 217 Mich App 340, 345 (1996); *People v Anderson*, 210 Mich App 295, 297-298 (1995); *People v Oswald (After Remand)*, 188 Mich App 1, 12 (1991). 2 *Anderson*, supra at 298, quoting *Oswald*, supra at 12.

See also MCL 769.13, which was amended in 1994 to eliminate the need for a separate trial regarding whether the defendant was a repeat felony offender. MCL 769.13 currently assigns the issue regarding defendant's prior convictions to the sentencing judge.

Moreover, MCL 769.13, as amended, requires the prosecutor to file a habitual offender notice not more than 21 days after the defendant's arraignment on the underlying or new felony charges.

Because defendant was presumably aware that he could be sentenced as a habitual offender, no need existed for the sentencing judge to again inform defendant of this possibility.

3 *People v Saffold*, 465 Mich 268, 273 (2001). 4 *Saffold*, supra at 273. 5 *Id.* 6 *Id.* 3 There is no “talismanic chant” that must be uttered by the trial court during plea proceedings.⁷ It is not necessary for the trial judge to personally impart all of the required information contained in MCR 6.302(B), as long as the information is imparted to defendant “in the hearing of the judge and defendant.”⁸ In this case, the prosecution stated on the record that it calculated the minimum guidelines range to be five to 46 months.

Defendant pleaded guilty pursuant to an agreement that his minimum sentence would be within the guidelines. Assuming arguendo that the trial court failed to inform defendant of the maximum possible prison sentence for the offense, defendant was put on notice that he faced the possibility of a sentence greater than two years when the prosecutor stated on the record in defendant’s presence that defendant’s recommended minimum guidelines range was five to 46 months.

Consequently, defendant has failed to show that he was not made aware of the “rights and incidents” of trial that he was waiving by pleading guilty, or that the trial court failed to substantially comply with MCR 6.302(B).

Accordingly, I would deny leave to appeal. CORRIGAN, J., joins the statement of YOUNG, J. 7 *Id.* at 280, quoting *People v Willsie*, 96 Mich App 350, 353 (1980). 8 *Id.* at 278, quoting *Guilty Plea Cases*, 395 Mich 96, 114-115 (emphasis in *Guilty Plea Cases*). I, Corbin R. Davis, 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.

May 26, 2006 _____ p0523 Clerk