

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DWIGHT TYRONE JOHNSON,

Defendant-Appellant.

UNPUBLISHED

June 10, 1997

No. 193401

Recorder's Court

LC No. 94-1881

Before: Saad, P.J., and Hood and McDonald, JJ.

MEMORANDUM.

Prior to accepting defendant's plea of guilty to probation violation, the trial court failed to advise him either of his right to a contested hearing, MCR 6.445(F)(1), or of the maximum possible jail sentence or prison sentence for the offense, in this case the underlying offense of possession of less than 25 grams of heroin as enhanced by fourth offender status. MCR 6.445(F)(2). Although defendant was represented by counsel, such omissions nonetheless constitute reversible error. *People v Gorzen*, 126 Mich App 464; 337 NW2d 359 (1983). This renders moot issues concerning the proportionality of the sentence imposed.

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Henry William Saad

/s/ Harold Hood

/s/ Gary R. McDonald