

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

EDWARD DARREL CARLISLE, JR.,

Defendant-Appellant.

UNPUBLISHED

January 25, 2002

No. 223727

Tuscola Circuit Court

LC No. 99-007518-FH

AFTER REMAND

Before: Bandstra, C.J., and Doctoroff and White, JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of operating a motor vehicle while under the influence of intoxicating liquor or a controlled substance (OUIL), third offense, MCL 257.625; driving while license suspended, MCL 257.317; and resisting and obstructing an officer while effectuating an arrest, MCL 324.1608. Defendant was sentenced to ten to twenty years' imprisonment as a third habitual offender, MCL 769.12, on the OUIL charge. Defendant was also sentenced to one year in jail for driving while license revoked and two to fifteen years' imprisonment for resisting and obstructing an officer. Defendant appealed as of right, raising several issues. We affirmed in part and remanded for further proceedings, directing the trial court to conduct an evidentiary hearing regarding the facts and circumstances of defendant's knowledge of the actual plea offer and his decision to stand trial.

The proceedings on remand have been completed, and the trial court has determined that the plea offer was, in fact, communicated to defendant, that defense counsel understood the proposed plea agreement, that defendant understood the consequences of the charges he was facing, and that defendant failed to meet his burden of proof. We have reviewed the record of the proceedings on remand, as well as the original record, as pertinent to this issue, and find no reason to reject the trial court's findings or grant further relief on this issue.

Affirmed.

/s/ Richard A. Bandstra

/s/ Martin M. Doctoroff

/s/ Helene N. White