

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICKIE GENE SPRAGUE,

Defendant-Appellant.

UNPUBLISHED

May 8, 2008

No. 278007

Genesee Circuit Court

LC No. 06-019145-FH

Before: White, P.J., and Hoekstra and Smolenski, JJ.

WHITE, P.J. (*dissenting*).

Without regard to whether counsel was ineffective, it is clear from the record that the plea agreement was negotiated between defense counsel and the prosecutor, and accepted by defendant, with all believing and accepting that the sentence would be within a certain guidelines range. Under these circumstances, I conclude the court abused its discretion in refusing to allow defendant to withdraw his plea.

/s/ Helene N. White