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STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

ERIC JOHN RYDZEWSKI,

Defendant-Appellee.

FOR PUBLICATION
January 23, 2020

No. 347005
Lapeer Circuit Court
LC No. 18-013179-FH

Before: RIORDAN, P.J., and SAWYER and JANSEN, JJ.

RIORDAN, J. (*concurring in part and dissenting in part*).

I respectfully dissent on the issue of the prosecutor’s request to withdraw from the plea agreement.

Because it is not clear from the record, I would remand this case to the trial court to clarify whether the prosecutor’s non-response to the trial court’s interpretation of its role relating to mental health court during the plea colloquy amounted to the prosecutor’s acquiescence of a modification of the plea agreement. If not, the trial court must apply *People v Smith*, 502 Mich 624; 981 NW2d 718 (2018), and allow the prosecutor to withdraw from the plea agreement.

In all other respects, I concur with the majority.

/s/ Michael J. Riordan