

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ERIC KEVIN ADAMS,

Defendant-Appellant.

UNPUBLISHED

October 7, 1997

No. 188687

Ingham Circuit Court

LC No. 95-068755-FH

Before: Markey, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

Defendant was convicted of second-degree home invasion, MCL 750.110a; MSA 28.305(a), and thereafter received an enhanced sentence of six to thirty years' imprisonment, reflecting defendant's status as a third habitual offender, MCL 769.11; MSA 28.1083. Defendant appeals as of right. We remand.

The trial court erroneously denied defendant's petition for a referral to the Forensic Center for a competency determination. Defense counsel's representations as an officer of the court that defendant sometimes provided disjointed and unclear explanations of events, that defendant becomes confused and loses his train of thought, and that defendant takes medication that renders him totally incoherent were sufficient to raise the issue and require investigation of defendant's competency. See MCR 2.114(D)(2); MCR 6.001(D); *People v Blocker*, 393 Mich 501, 508; 227 NW2d 767 (1975); MCR 9.103(A). Accordingly, we remand the instant case to allow defendant to file a delayed motion for a new trial with supporting affidavits or evidence showing substance to the claim that defendant was incompetent to stand trial at the time of the original trial. *People v Lucas*, 393 Mich 522, 528-529; 227 NW2d 763 (1975).

In view of our disposition of this issue, we need not address defendant's remaining issues concerning defendant's failure to receive a competency determination.

Further, the trial court did not abuse its discretion when it permitted the prosecutor to impeach defendant with his prior larceny conviction. MRE 609; *People v Cross*, 202 Mich App 138; 508 NW2d 144 (1993).

Remanded for proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Jane E. Markey

/s/ Janet T. Neff

/s/ Michael R. Smolenski