

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT COURT CRIMINAL DIVISION	SETTLEMENT OFFER ADVISE OF RIGHTS NOTICE OF ACCEPTANCE	CASE NO. 25-003857-01
		CTN 8224716460-01

THE PEOPLE OF THE STATE
OF MICHIGAN

v.

Defendant's Name

Desmond Burks

PEOPLE'S SETTLEMENT OFFER

☐ No Charge Reduction ☒ Charge Reduction ☒ Charge Reduction as to Count(s) 2 No Charge Reduction as to Count(s) _____

You will plead to the following charge(s):

Count	Charge(s)	PACC	Attempt 750.92	Statutory Maximum Penalty
2	2nd Degree Murder	750.317		Life
3	Larceny-\$20,000 or More	750.3562A		10 Years
4	Computers-Using a Computer to Commit a Crime- Maximum Imprisonment of 10 Years-20 Years	752.7973E		10 Years
5	Felon in Possession of a Firearm	750.224F		5 Years
6-8	Felony Firearm-2nd Offense	750.227B-B		5 Years
	Violent Habitual 4th Offense Notice-Mandatory 25 Years	769.121A		Life

☒ The People agree to: ☒ dismiss Ct. 1 ☒ withdraw notice to enhance sentence _____

☐ No sentence agreement ☒ Sentence agreement ☐ Sentence recommendation

☐ Agreement for a sentence within the guidelines range calculated at sentencing.

Terms and conditions:

35 to 60 years Michigan Department of Corrections plus 5 years Michigan Department of Corrections on Cts 6-8. Restitution, if any.

(t) 3-5 10-10 72-72 max (me) 1st

Prosecuting Attorney:

Lisa Hendley
Michael Rye

P

Date:

39570

11/24/20

777516

1/21/20

☐ Court's Cobbs evaluation (not part of the People's offer):

ADVICE OF RIGHTS and NOTICE OF ACCEPTANCE

You have offered to plead guilty or nolo contendere in this matter. Before accepting your plea, the court must be convinced that you understand the following

- (1) If your plea is accepted, you will not have a trial of any kind, and so give up the rights you would have at a trial, including the right:
- (a) to be tried by a jury,
 - (b) to be presumed innocent until proven guilty
 - (c) to have the prosecutor prove beyond a reasonable doubt that you are guilty
 - (d) to have the witnesses against you appear at the trial
 - (e) to question the witnesses against you
 - (f) to have the court order any witnesses you have for the defense to appear at the trial
 - (g) to remain silent during the trial
 - (h) to not have that silence used against you, and
 - (i) to testify at the trial if you want to testify.
- (2) If your plea is accepted and you commit misconduct before sentencing, the court will not be required to follow a sentencing agreement or evaluation. Misconduct includes, but is not limited to, failing to appear for sentencing, violating a bond condition, violating a sentencing or plea agreement, or failing to obey a different court order.
- (3) Fines, costs, and other financial obligations imposed by the court must be paid at the time of assessment, except when the court allows otherwise, for good cause shown. If you are not able to pay due to financial hardship, contact the court immediately to request a payment alternative. MCR 6.425(D)(3).
- (4) If your plea is accepted, you will be giving up any claim that the plea was the result of promises or threats that were not disclosed to the court at the plea proceeding, or that it was not your own choice to enter the plea.
- (5) If your plea is accepted, you may be giving up the right to appeal issues that would otherwise be appealable if you were convicted at a trial. Further, any appeal from your conviction and sentence pursuant to this plea will be by application for leave to appeal and not by right.
- (6) If your plea involves a statement by the court that it will sentence to a specified term or within a specified range, then any:
- (a) sentencing guidelines range discussed at the plea hearing is a preliminary estimate and the final sentencing guidelines range determined by the court may differ,
 - (b) sentencing guidelines range discussed at the plea hearing are part of the plea and you have a right to withdraw your plea under MCR 6.310(B) if the final sentencing guidelines range determined by the court at sentencing are different, and
 - (c) to be provided a numerically quantifiable sentence term or range. A quantifiable sentence range includes, but is not limited to, language such as "lower/upper half" or "lower/upper quarter."
- (7) If you are NOT a U.S. citizen, has your attorney informed you that your plea subjects you to immigration consequences, including deportation?
- ☐ Yes, my attorney has advised me that my plea subjects me to immigration consequences, including deportation.

You will be required to state, orally on the record, that you have read and understand all the above, and that you agree to waive all the above rights.

Defense Attorney: _____

Defendant: _____

Date: _____

Date: _____