

THE COURT: Okay.

MR. PARISH: We do have one small problem I want to call to your Honor's attention and that's this. My client does not read and as a result, while I can have him sign the Advice of Rights, I have not had an opportunity until just this moment to go through those with him, so I would suggest that, perhaps, it might be quickest just to read them aloud when we reach that point.

THE COURT: Okay, that's fine.

Alright, sir, can you please raise your right hand? Do you solemnly swear or affirm, under the pains and penalties of perjury, that the testimony you're about to give in the matter now pending before the Court will be the truth, the whole truth and nothing but the truth?

THE DEFENDANT: Yes.

THE COURT: Okay. Can you give me the rights form, please, Mr. Parish?

MR. PARISH: Yes. You wanna sign it there. I'm gonna have him sign it, although, as I said, he--

THE COURT: That's fine.

MR. PARISH: I'm gonna to give him a copy so that anybody else can help him read it.

THE COURT: Alright, I need to ask you a few questions, sir. I'm not trying to be insulting. I just need to establish a record.

this type of a motion. But I ultimately decided that it was probably in the best interest of justice, as well as the--the victim's, after meeting with counsel.

The main thrust of the Defense motion in this case is contained in paragraph 6, where Mr. Hale indicates he's not able to read or write and did not understand or comprehend his no contest plea to a CSC 3rd Degree. And I just find that completely without merit. Not only-- Mr. Parish alerted me early on in chambers and then also at the beginning of the plea that Mr. Hale had problems reading and writing and comprehending things, and--and the Court listened to the tape this morning and the Court went through each prong of his rights form with the defendant, individually. So I am completely convinced that the plea was just and proper as it relates to any deficiencies that the defendant may have with regard to reading and/or writing.

Somewhat instructive in paragraph 8 of the Defense motion, that it's only after in speaking with his family that the defendant has decided to pursue this motion to withdraw his plea. Obviously, and I completely understand and respect his family being concerned about the situation the defendant now finds himself in, but the Court has to--to weigh the prejudice to the People pursuant to MCR 6.310; and, quite frankly, the People make a compelling argument in several paragraphs, more specifically, paragraph 5(d), where they talk about the foster care worker, the counselor and the foster parents have all met