

STATE OF MICHIGAN  
IN THE [REDACTED] COUNTY CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

CaseNo. [REDACTED]

v.

HON. [REDACTED]

[REDACTED],

Defendant.

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**MOTION TO WITHDRAW PLEA BEFORE SENTENCING**  
**PURSUANT TO MCL 6.310(B)**

By: **Laurence H. Margolis (P69635)**  
Attorney for Defendant  
214 S. Main St., Suite 202  
Ann Arbor, MI 48104  
(734) 994-9590

NOW COMES the Defendant, [REDACTED], through his undersigned attorney LAURENCE H. MARGOLIS, and before being sentenced, pursuant to MCL 6.3 10(B), hereby moves this Honorable Court to allow withdrawal of his guilty plea, based on the following:

1. On August [REDACTED], Defendant-Movant [REDACTED] a U.S. Citizen but native of [REDACTED], pled guilty in the [REDACTED] County Trial Court, in Court File [REDACTED] to Felonious Assault before the [REDACTED] [REDACTED]
2. Defendant was represented by [REDACTED] Esq. The People were represented by Assistant [REDACTED] County Prosecutor [REDACTED], Esq.
3. Defendant is alleged to have sexually assaulted a 14-year-old nail salon patron " for 20 to 40 minutes" while the salon was open and in plain view of staff and other potential patrons.
4. The Defendant has continually and categorically denied sexually assaulting the complainant but nevertheless entered a plea of guilty to felonious assault under MCL 750.82.
5. Defendant entered his plea on the advice of counsel at the time but now wishes to withdraw his plea and the interest of justice dictates that he be allowed to do so.
6. Prior to entering his guilty plea, Defendant did not understand his right to present a defense, nor did he understand the elements of the offense to which he pled guilty when the plea was taken. This is most surely due to

cultural and language differences, as well as the fact that Defendant has no prior contacts with the criminal justice system.

7. [REDACTED] is fluent in English, however, as is natural, his ability to comprehend is somewhat compromised when he is anxious and nervous.

8. Defendant did not know the ramifications of his plea relative to possible jail time, the nature and effect of SORA (Sex Offender Registration Act) registration in this instance, or even that this court could order that he not be able to work in nail salons, his present profession, as was indeed recommended.

9. [REDACTED] shows further that he relied upon his understanding of what he had been advised by his counsel, and [REDACTED] now knows that such reliance was misplaced.

10. [REDACTED] plea was not knowingly, intelligently, or voluntarily made and now, before imposition of sentence, he seeks to withdraw his guilty plea.

11. [REDACTED] states that he is innocent of the charged offenses, and of the crime to which he mistakenly pled guilty.

12. It would be in the interest of justice to allow [REDACTED] to withdraw his plea.

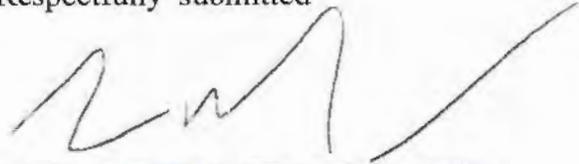
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<sup>1</sup> See PSIR Recommendation #21 : "( 09.60) May not be employed in a profession w ich requires the Defendant to place his hand s on another person.

13. [REDACTED] avers that the prosecutor would not be substantially prejudiced if this Court allows him to withdraw his plea.<sup>2</sup>

**WHEREFORE**, in light of the above, Defendant prays this Honorable Court grant this Motion and permit Defendant to withdraw his plea; that the case be remanded to the District Court for a preliminary examination on the charges brought, and/or for such other further relief the court deems just and reasonable under the circumstances.

Respectfully submitted



By: **Laurence H. Margolis (P69635)**  
Attorney for Defendant  
*Laurence H. Margolis, PC*  
214 S. Main St., Suite 202  
Ann Arbor, MI 48104  
(734) 994-9590  
Larry@lawinannarbor.com

Dated: October [REDACTED]

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<sup>2</sup> Under MCR 6.310 (B): Withdrawal After Acceptance but Before Sentence. " After acceptance but before sentence, (I) a plea may be withdrawn on the defendant's motion or with the defendant's consent only in the interest of justice, and may not be withdrawn if withdrawal of the plea would **substantially prejudice** the prosecutor because of reliance on the plea. If the defendant's motion is based on an error in the plea proceeding, the court must permit the defendant to withdraw the plea if it would be required by subrule (C)."

**CERTIFICATE OF SERVICE**

The undersigned declarant being first duly sworn, deposes and says that on October [REDACTED], he did serve a copy of the attached MOTION TO WITHDRAW PLEA, via regular mail to:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

*Declaration in Lieu of Notarization.* I declare that the foregoing is true and correct to the best of my information, know

[REDACTED]



By: Laurence H. Margolis (P69635)  
Attorney for Defendant  
*Laurence H. Margolis, PC*  
214 S. Main St., Suite 202  
Ann Arbor, MI 48104  
(734) 994-9590  
[larry@lawinannarbor .com](mailto:larry@lawinannarbor.com)

DATED: [REDACTED]