Court of Appeals, State of Michigan

ORDER

People of MI v Katherine Sue Dendel

Docket No. 247391

LC No. 02-002915 FC

Joel P. Hoekstra
Presiding Judge

Janet T. Neff

Bill Schuette
Judges

This appeal was orally argued before this panel on March 2, 2005. On the Court's own motion, it is ordered that this case is hereby REMANDED to the Jackson County Circuit Court for APPOINTMENT OF SUBSTITUTE COUNSEL ON APPEAL within 14 days of the Clerk's certification date of this order. The Court of Appeals will promptly return the lower court record to the trial court.

The Court orders that the trial court shall provide a copy of this order and the trial court record to the newly appointed counsel. New counsel shall have 28 days from the date of the trial court's appointment to review the lower court record in this matter.

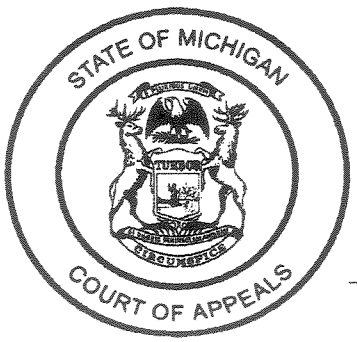
The Court further orders that, following the 28-day interval after the appointment of substitute appellate counsel, the trial court will conduct a *Ginther* hearing to determine if the defendant was denied effective assistance of counsel. The trial court shall decide the matter within 70 days of the clerk's certification date of this order. The trial court is to make findings of fact and a determination on the record. The trial court is to cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

Defendant-appellant must file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry. The defendant-appellant shall file a supplemental brief raising any issues deemed to have arguable merit in this appeal, and responding to the issues raised in the cross-appeal, within 42 days of the filing of the transcript. Plaintiff-appellee may file a response brief within 21days of the proof of service date of appellant's supplemental brief.

This Court retains jurisdiction in the case and the time for proceeding with the appeal begins upon issuance of an order in the trial court that finally disposes of the remand proceedings.

The Court further orders that this case is ADJOURNED from the March 2005 case call. This matter will be resubmitted on the next available case call following completion of the proceedings on remand.

Presiding Judge



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 11 2005
Date

Sandra Schultz Mengel
Chief Clerk