Court of Appeals, State of Michigan

ORDER

People of MI v Aaron Michael Ollila

Docket No. 274541

LC No. 05-000770-FC

William B. Murphy
Presiding Judge

Joel P. Hoekstra

Jane E. Markey
Judges

The Court orders that the motion to remand for the purpose of conducting an evidentiary hearing pursuant to *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1993), to determine whether trial counsel rendered ineffective assistance of counsel when he failed to request a specific unanimity instruction is DENIED for failure to demonstrate a need for a remand. MCR 7.211(C)(1).

The Court further orders, however, that the motion to remand for the purpose of conducting a *Ginther* hearing with regard to whether trial counsel rendered ineffective assistance of counsel when he failed to secure the testimony of witness Kelly Still is GRANTED and the matter is REMANDED to the trial court so that Appellant may file, within 14 days, a motion for new trial and evidentiary hearing pursuant to *Ginther*.

Appellant is to file with this Court a copy of any motion and any supporting brief filed in the trial court within 14 days of the Clerk's certification of this order. The trial court is to hear and decide the matter within 56 days of the Clerk's certification of this order. Appellant must also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry.

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. This Court retains jurisdiction in the cause, and the time for proceeding with the appeal in this Court begins upon the issuance of an order in the trial court that finally disposes of the remand proceedings. If the Appellant fails to file remand pleadings in the trial court within the 14-day period, the time for proceeding with the appeal in this Court begins 14 days from the date of certification of this order.

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

APR 18 2007
Date

Sandra Schultz Mengel
Chief Clerk