Court of Appeals, State of Michigan

ORDER

People of MI v Louis Fernando Hernandez-Diaz

Docket No. 277888

LC No. 06-004898-01

Brian K. Zahra
Presiding Judge

Michael J. Talbot

Karen Fort Hood
Judges

The motion for immediate consideration is GRANTED

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED, and the matter is remanded to the trial court so that defendant-appellant may file, within 14 days, a motion for new trial based on newly discovered evidence. Proceedings on remand are limited to the issues raised in the motion to remand.

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.

Defendant-Appellant may file a supplemental brief pertaining to the issues raised on remand within 21 days after entry of the trial court order deciding the matter or 21 days after the transcript of the hearing is filed, whichever is later. Appellee may file a supplemental brief in response.

This Court retains jurisdiction in the cause, and the time for proceeding with the appeal in this Court begins upon issuance of an order in the trial court that finally disposes of the remand proceedings. Nevertheless, the time for proceeding with the appeal begins 14 days from the date of certification of this order if remand pleadings are not filed in the trial court within the 14-day period.

COURT OF APPEALS OF THE STATE OF MICHIGAN
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A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 26 2008
Date

Sandra Schultz Mengel
Chief Clerk