Court of Appeals, State of Michigan

ORDER

People of MI v Heath Elmer McGowan
People of MI v Edward James Griffes
People of MI v Clint Allan McGowan

Docket No. 274829; 275197; 276385

LC No. 06-007353-FC; 06-007355-FC; 06-007354-FC

Joel P. Hoekstra
Presiding Judge

E. Thomas Fitzgerald

Brian K. Zahra
Judges

The Court orders that the three motions to remand pursuant to MCR 7.211(C)(1) are GRANTED, and these matters are remanded to the trial court for a hearing to take the testimony of Melissa Mudget and Detective Sally Wolters. Proceedings on remand are limited to the issues raised in the motions to remand.

Appellants shall schedule the hearing within 14 days of the Clerk's certification of this order, and provide this Court with a copy of the notice of hearing. If appellants fail to schedule the hearing within 14 days of the certification of this order, the appeal will proceed. **The trial court is to hear and decide the matter within 56 days of the Clerk's certification of this order.** Appellants must 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 as to whether Melissa Mudget's testimony at trial was the result of coercion, and whether a new trial is warranted. 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.

On the Court's own motion, these matters are ADJOURNED from case call.

This Court retains jurisdiction over these matters, and the time for proceeding with the appeals in this Court begins upon issuance of an order in the trial court that finally disposes of the remand proceedings. If the appeals will proceed to decision in this Court, all parties may file supplemental briefs after remand within 21 days after the remand order is issued or the remand transcript is filed, whichever is later. The Clerk's Office is directed to place these matters on the first available call.

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

JAN 13 2009
Date

Sandra Schultz Mengel
Chief Clerk