Court of Appeals, State of Michigan

ORDER

People of MI v Leslie Hurn Jr

Docket No. 286067

LC No. 08-000671-01-FC

Michael J. Talbot
Presiding Judge

Brian K. Zahra

Cynthia Diane Stephens
Judges

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED IN PART. This matter is REMANDED to the trial court for an evidentiary hearing and decision whether defendant-appellant was denied the effective assistance of counsel. However, because the Court is not persuaded that the other issues raised in the motion to remand require remand at this time, the scope of the remand is limited to the issue whether defense counsel was ineffective for failing to call Stephanie Bryant as a witness at trial. The Court retains jurisdiction and the time for proceeding with the appeal in this Court shall begin to run upon issuance of an order in the trial court that disposes of the post-conviction proceedings.

Defendant-appellant shall file with this Court a copy of any motion and supporting brief filed in the trial court within 14 days after the Clerk's certification of this order. Defendant-appellant shall also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry.

The trial court shall hear and decide the matter within 56 days after the Clerk's certification of this order. The trial court shall make findings of fact and a determination on the record and 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's 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.

The time for proceeding with the appeal shall begin to run 14 days after the date this order is certified if the motion to initiate the post-conviction proceedings is not filed in the trial court within that 14-day period.

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

MAY 26 2009
Date

Sandra Schultz Mengel
Chief Clerk