Court of Appeals, State of Michigan

ORDER

People of MI v Charles David Post

Docket No. 293239

LC No. 09-001677-FH

David H. Sawyer
Presiding Judge

Joel P. Hoekstra

Douglas B. Shapiro
Judges

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 for the purpose of allowing the trial court to state on the record its reasons for rejecting the appellant's plea attempt and for the purpose of conducting an evidentiary hearing at which the parties shall develop a factual record relating to appellant's attempt to enter a guilty plea after the discovery of the incriminating video evidence. The scope of the proceedings on remand is limited to the issue as raised in the motion to remand.

The trial court is to conduct the evidentiary hearing within 56 days of the Clerk's certification of this order. The trial court also is to cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings. Appellant must file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry.

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.

Sawyer, P.J., would deny the motion to remand.

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

FEB 10 2010
Date

Sandra Schultz Mengel
Chief Clerk