

Court of Appeals, State of Michigan

ORDER

People of MI v Joel Glenn Petz

Docket No. 295199

LC No. 08-057074-FH

David H. Sawyer
Presiding Judge

William B. Murphy, C.J.

Douglas B. Shapiro
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 determination whether the jury was sworn before trial commenced, MCR 6.412(F), and, if not, whether trial counsel rendered ineffective assistance of counsel by failing to object. *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1993). Although the circuit court register of actions indicates that the jury was sworn, the trial transcript contains no record of the swearing of the jury. In all other regards, the motion to remand is DENIED, as are the motions to correct the record on appeal, to expand the record on appeal, and to vacate bond forfeiture judgment. 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 within 21 days after the 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

SEP 24 2010

Date

Sandra Schultz Mengel
Chief Clerk