

# Court of Appeals, State of Michigan

## ORDER

People of MI v James Edward Schmidt

Docket No. 302671

LC No. 10-003224-FH

William C. Whitbeck  
Presiding Judge

Peter D. O'Connell

Michael J. Kelly  
Judges

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The motions for permission to file a second motion for remand and for a second remand and to add an issue to defendant-appellant's brief on appeal are DENIED. The issue regarding whether events subsequent to entry of the judgment of sentence warrant eliminating the award of restitution are not properly in the scope of this appeal. We note that defendant may file an appropriate motion in the trial court under MCL 780.766(22) to seek such relief without a remand from this Court. If the trial court deems it appropriate to grant such a motion, MCL 7.208(A)(4) would authorize the trial court to do so even if that could be considered to amend the award of restitution in the judgment of sentence.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 02 2012

Date

Larry S. Royster  
Chief Clerk