

# Court of Appeals, State of Michigan

## ORDER

People of MI v Brent Roy Harrington

Docket No. 307912

LC No. 10-034463-FC

Elizabeth A. Gleicher  
Presiding Judge

E. Thomas Fitzgerald

Pat M. Donofrio  
Judges

The motion for immediate consideration is GRANTED.

The motion to file a supplemental brief is GRANTED and the supplemental brief filed with the motion is accepted.

The Court orders that the delayed application for leave to appeal is GRANTED. This appeal is limited to the issues raised in the application and supplemental brief. MCR 7.205(D)(4).

The motion to remand pursuant to MCR 7.211(C)(1) is GRANTED. This matter is REMANDED to the trial court for an evidentiary hearing and decision whether defendant-appellant was denied the effective assistance of counsel. *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1993). The proceedings on remand are limited to the issues raised in the motion to remand.

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.

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 finally disposes of the proceedings on remand. Nevertheless, 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 proceedings on remand is not filed in the trial court within that 14-day period.



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

MAY 07 2012

Date

  
Chief Clerk