

Court of Appeals, State of Michigan

ORDER

People of MI v Adam Russell Weaver

Docket No. 308964

LC No. 11-000849-FC

Patrick M. Meter
Presiding Judge

Stephen L. Borrello

Amy Ronayne Krause
Judges

The Court orders that the motion to remand is GRANTED and the case is REMANDED to the trial court for consideration of the proper scoring of offense variable 13 of the sentencing guidelines. We leave it to the discretion of the trial court whether an evidentiary hearing is necessary to properly consider defendant's challenge to the scoring of that variable.

Defendant shall initiate the proceedings on remand within 14 days of the Clerk's certification of this order. 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 remand proceedings. Defendant 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 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 of the Clerk's certification of this order. The trial court shall make findings of fact and a determination on the record. The trial court shall cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

Defendant 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. Plaintiff may file a supplemental brief in response.


The time for proceedings with the appeal shall begin to run 14 days after the date this order is certified if a 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

SEP 21 2012

Date


Chief Clerk