

Court of Appeals, State of Michigan

ORDER

People of MI v Timothy Scott Viavada

Docket No. 310164

LC No. 11-006408-FH

Stephen L. Borrello
Presiding Judge

Donald S. Owens

Michael J. Kelly
Judges

The Court orders that the motion to remand is GRANTED. This case is REMANDED to the trial court so that defendant may move for resentencing based on his challenge to the scoring of offense variable 14 of the sentencing guidelines.

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.

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

DEC 19 2012

Date


Chief Clerk