

Court of Appeals, State of Michigan

ORDER

People of MI v Dewayne Derick Saine

Docket No. 310192

LC No. 06-003169-01-FC

Kurtis T. Wilder
Presiding Judge

Kirsten Frank Kelly

Michael J. Riordan
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion to waive production of the transcript is DENIED AS MOOT in light of the prosecution's recent filing of the May 3, 2012, hearing transcript.

The motion to review bail is GRANTED. The trial court's release decision, by entry of the order on May 3, 2012, is REVERSED due to the trial court's failure to consider and make findings on the record relating to the factors listed in MCL 765.6(1) and MCR 6.106(F)(1) as to why the \$25,000, 10% bond, with a tether requirement, was appropriate in light of the seriousness of the charges and how the bond ensures defendant's appearance at trial. See *People v Edmond*, 81 Mich App 743, 746-748; 266 NW2d 640 (1978). Even though defendant had previously been released after the trial court granted his motion for a new trial and the trial court remarked at the hearing that defendant "reported" when he was required to do so, it appears that defendant's prior release on bond occurred for only a very short period of time before this Court peremptorily reinstated defendant's convictions and ordered him remanded to custody. The trial court should not weigh this factor as heavily as it appeared to do so in the current release decision.

Because this order reverses the May 3, 2012, order, trial court shall IMMEDIATELY REMAND DEFENDANT TO CUSTODY. The Court retains no further jurisdiction.



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

MAY 23 2012

Date


Chief Clerk