

Court of Appeals, State of Michigan

ORDER

People of MI v Jeffery John Harinck

Docket No. 310297

LC No. 2011-000393-FH

Jane M. Beckering
Presiding Judge

David H. Sawyer

Douglas B. Shapiro
Judges

- This Court received notification that the transcript of the trial proceedings held on November 10, 2011, is not available due a malfunction in the recording equipment.

It is therefore ordered that this matter is REMANDED to the Calhoun County Circuit Court so that appellant may, within 14 days of the Clerk's certification of this order, initiate proceedings under MCR 7.210(B)(2), to settle and reconstruct as much as possible that portion of the record of the November 10, 2011, trial that cannot be transcribed. Proceedings on remand are limited to this issue.

Within 14 days of the Clerk's certification of this order, appellant is to file with the trial court, and is to serve on appellee, a motion to settle the record and, where reasonably possible, a proposed statement of the testimony and proceedings at issue, in accordance with MCR 7.210(B)(2)(a), and is to notice the motion before the trial court to be held within 21 days of the filing of the motion, pursuant to MCR 7.210(B)(2)(b). If appellant files a proposed statement of facts with the motion, appellee must file and serve on the appellant an amendment or objection to the proposed statement of facts at least 7 days before the time set for the settlement hearing. The trial court may adopt and file appellant's proposed statement of facts as the certified settled statement of facts. The trial court shall, within 56 days of the Clerk's certification of this order, settle any controversy and certify a settled statement of facts as an accurate, fair, and complete statement of the proceedings before it. The certified settled statement of facts must concisely set forth the substance of the testimony, or oral proceedings before the circuit court if no testimony was taken, in sufficient detail to provide for appellate review. MCR 7.210(B)(2)(c). The appellant shall file the settled statement of facts and the certifying order with the trial court and the Clerk of this Court within 14 days after entry.

This Court retains jurisdiction in the cause, and the time for proceeding with the appeal in this Court begins upon issuance of the order certifying the settled statement of facts.



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

OCT 24 2012

Date


Chief Clerk