

Court of Appeals, State of Michigan

ORDER

People of MI v Kiefer Derik Olger

Docket No. 309751

LC No. 11-008748-FH

Patrick M. Meter
Presiding Judge

Donald S. Owens

Stephen L. Borrello
Judges

The Court orders that the motion to remand is DENIED. First, the motion is untimely. MCR 7.211(C)(1)(a). Further, there is no need for a remand to allow defendant to develop an evidentiary record to respond to the affidavits attached to plaintiff's brief on appeal because those affidavits are not properly considered in deciding the merits of this appeal since they are not part of the lower court record. See, e.g., *In re Estate of Rudell*, 286 Mich App 391, 405; 780 NW2d 884 (2009).



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

MAR 05 2013

Date


Chief Clerk