

# Court of Appeals, State of Michigan

## ORDER

People of MI v David Paul Evans

Docket No. 316859

LC No. 11-011821-FH

Cynthia Diane Stephens  
Presiding Judge

Michael J. Talbot

Christopher M. Murray  
Judges

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

The motion to waive the transcripts is GRANTED IN PART, with respect to the transcript requirement of MCR 7.209(A)(3), but DENIED IN PART with respect to the transcript requirement of MCR 7.205(B)(4).

The application for leave to appeal is GRANTED, limited to the issues raised in the application. MCR 7.205(D)(4). The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(D)(3).

The motion for stay is GRANTED IN PART. On its own motion, the Court REMANDS the matter to the circuit court for the limited purpose of holding a hearing pursuant to *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973). Proceedings on remand are limited to the issues as raised in the application. The trial court is to hear the matter within 56 days of the Clerk's certification of this order. The trial court is to make findings of fact and a determination on the record whether defense counsel was ineffective. The trial court is to cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

Plaintiff-appellant 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 on remand is filed, whichever is later. Appellee may file a supplemental brief in response.

This Court retains jurisdiction and the time for proceeding with the appeal in this Court begins upon issuance of an order in the trial court that finally disposes of the remand proceedings.

This order is to have immediate effect, MCR 7.215(F)(2).



A true copy entered and certified by Angela P. DiSessa, Acting Chief Clerk, on

JUN 27 2013

Date

Angela P. DiSessa  
Acting Chief Clerk