

Court of Appeals, State of Michigan

ORDER

People of MI v Barbara Jean Mercer

Docket No. 312007

LC No. 11-004979-FC

Donald S. Owens
Presiding Judge

Stephen L. Borrello

Elizabeth L. Gleicher
Judges

On the Court's own motion, this case is REMANDED to the trial court to conduct an evidentiary hearing and make any appropriate factual findings on defendant's claims of ineffective assistance of counsel raised in her brief on appeal. MCR 7.216(A)(5), (7).

Defendant shall initiate the proceedings on remand within 14 days of the Clerk's certification of this order. This panel of 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 or other pleading filed in the trial court to initiate the remand proceedings 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 conduct the evidentiary hearing within 56 days of the Clerk's certification of this order. The trial court shall make any required findings of fact 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.

Defendant may file a supplemental brief pertaining to the issues raised on remand within 21 days after entry of the trial court's order disposing of the remand or 21 days after the transcript of the hearing is filed, whichever is later. Plaintiff may file a supplemental brief in response.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

FEB 10 2014

Date

Chief Clerk