

Court of Appeals, State of Michigan

ORDER

People of MI v Eric Roshawn Smith

Docket No. 315991

LC No. 12-031109-FC

Deborah A. Servitto
Presiding Judge

Kathleen Jansen

Henry William Saad
Judges

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is DENIED. Defendant-appellant's request to remand so that he may file a motion for a new trial based on newly discovered evidence appears to lack merit when the motion involves only newly available evidence. See *People v Terrell*, 289 Mich App 553, 559-570; 797 NW2d 684 (2010).

The Court orders that the motion for release pending appeal is DENIED.



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

APR 11 2014

Date

Chief Clerk