

Court of Appeals, State of Michigan

ORDER

People of MI v Tia Marie-Mitchell Skinner

Docket No. 317892

LC No. 10-002936-FC

E. Thomas Fitzgerald
Presiding Judge

Pat M. Donofrio

Deborah A. Servitto
Judges

The Court orders that the order of April 4, 2014, holding this matter in abeyance, is VACATED. Defendant-appellant's motion to supplement her motion to remand is GRANTED.

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED. The trial court shall resentence defendant-appellant following MCL 769.25. The trial court need not address defendant-appellant's claim that she was denied the effective assistance of counsel at her previous resentencing hearing when that claim is now moot. Any information that should have been presented at the previous sentencing hearing can now be offered at the resentencing held pursuant to MCL 769.25.

Each party shall file with this Court copies of any respective motions or responses and supporting briefs filed in the trial court. The trial court is to hear and decide 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. 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.

Defendant-appellant must also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry. Defendant-appellant may file a supplemental brief pertaining to the issue 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. Plaintiff-appellee may file a supplemental brief in response. This Court retains jurisdiction in the cause, 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. Nevertheless, the time for proceeding with the appeal begins 14 days from the date of certification of this order if remand pleadings are not filed in the trial court within the 14-day period.



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

JUL 30 2014

Date


Chief Clerk