

# Court of Appeals, State of Michigan

## ORDER

People of MI v Eric Brooks

Docket No. 318320

LC No. 12-009957-FH

Christopher M. Murray  
Presiding Judge

Michael J. Talbot

Kurtis T. Wilder  
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(E)(2), that the August 23, 2013, order of the Wayne Circuit Court granting defendant's motion for bond on appeal hereby is VACATED. Courts should delineate specific rationale when deciding a motion for bond on appeal. See *People v Puertas*, 461 Mich 964; 609 NW2d 184 (2000); *People v Giacalone*, 16 Mich App 352, 354; 167 NW2d 871 (1969). Before a court may release on bond pending appeal a defendant who was convicted of an assaultive crime and who was sentenced to prison, MCL 770.9a(2) requires the court to find clear and convincing evidence that the defendant is unlikely to pose a danger to other persons and that the defendant's appeal raises a substantial question of law or fact. The record before this Court reflects that the trial court simply asked defendant whether he was a danger to the community and, when defendant answered in the negative, the court granted bond on appeal. The court then recalled the case and stated, without any supporting findings, that there appeared to be a substantial basis upon which defendant might proceed with an appeal. In the absence of the trial court's particular findings of clear and convincing evidence to support defendant's release on bond, the case is REMANDED to the circuit court, which is directed to articulate on the record its specific findings regarding whether defendant is unlikely to pose a danger to other persons and whether defendant has raised a substantial question of law or fact in his claim of appeal.

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

The Court retains no further jurisdiction.



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

FEB 11 2014

Date

  
Chief Clerk