

Court of Appeals, State of Michigan

ORDER

People of MI v Kevin Michael Clark

Docket No. 318697

LC No. 13-021225-FC

William C. Whitbeck
Presiding Judge

Donald S. Owens

Amy Ronayne Krause
Judges

The Court orders that the motion to remand is DENIED IN PART AND GRANTED IN PART. The motion is DENIED as to the scoring of offense variables 1 and 2 which has already been addressed by the trial court. However, the motion is GRANTED to allow defendant to expand the record and for the trial court to consider whether defendant is entitled to resentencing or other appropriate relief as to his claim that trial counsel provided ineffective assistance with regard to failing to appropriately pursue the matter of defendant having been honorably discharged from the United States Navy. The motion is also GRANTED to allow the trial court to consider if the presentence report should be corrected as to its indication that defendant fled Michigan.

Defendant shall initiate the proceedings on remand within 14 days of the date of this order. 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 and supporting brief filed in the trial court within 14 days after the date 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 hear and decide the matter within 56 days of the date of this order. The trial court shall make findings of fact and a determination 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 deciding the matter or 21 days after the transcript of the hearing is filed, whichever is later. Plaintiff may file a supplemental brief in response. The time for proceeding with the appeal shall begin to run 14 days after the date of this order if a motion to initiate the proceedings on remand is not filed in the trial court within that 14-day period.



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

AUG 28 2014

Date

Jerome W. Zimmer Jr.
Chief Clerk