

Court of Appeals, State of Michigan

ORDER

People of MI v Sadie Darlene Bell

Docket No. 322777

LC No. 13-247540-FC

E. Thomas Fitzgerald
Presiding Judge

Pat M. Donofrio

Deborah A. Servitto
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The Court orders, pursuant to MCR 7.209(D), that the motion to review bond is GRANTED. The trial court's July 16, 2014, order granting defendant's motion for bond pending appeal is hereby VACATED. 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 requires the court to find clear and convincing evidence that (a) the defendant is unlikely to pose a danger to others and (b) the defendant's appeal raises a substantial question of law or fact. Defendant has failed to establish either (a) or (b) by clear and convincing evidence. The record before this Court shows that defendant was previously involved in another shooting incident involving her husband. The record also fails to establish that defendant's ineffective assistance of counsel claim "raises a substantial question of law or fact." Defendant thus has not satisfied the criteria for release on an appeal bond and the Court directs that defendant's bond pending appeal be REVOKED immediately. The case is REMANDED to the circuit court for the limited purpose of further proceedings consistent with this order.

In all other respects, this Court retains jurisdiction.



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

JUL 24 2014

Date


Chief Clerk