

Court of Appeals, State of Michigan

ORDER

People of MI v Todd Douglas Robinson

Docket No. 317282

LC No. 12-003652-FC

Kirsten Frank Kelly
Presiding Judge

David H. Sawyer

Patrick M. Meter
Judges

This Court remanded the matter to the trial court by order dated November 17, 2014, to conduct a hearing and make a determination whether the alleged error was harmless. The trial court conducted the required hearing on December 19, 2014, but failed to make any definitive finding whether the error was, in fact, harmless. We need the trial court to be more specific, making a specific finding and determination, in writing, whether the error was harmless. Accordingly, we REMAND this matter to the trial court to make that determination, basing that determination upon the existing record. If the trial court determines that the error was not harmless, it shall grant defendant a new trial, and this appeal shall be dismissed as moot. If the trial court determines that the error was harmless, this Court will resolve the issues presented on appeal.

The trial court shall file a copy of its opinion and order with this Court within 21 days of the Clerk's certification of this order.

This order is to have immediate effect. MCR 7.215(F)(2). We retain jurisdiction.



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

MAR 13 2015

Date

Chief Clerk