

Court of Appeals, State of Michigan

ORDER

People of MI v Evellis Trentontrevon McGee

Docket No. 323456

LC No. 13-039035-FC

Stephen L. Borrello
Presiding Judge

Donald S. Owens

Michael F. Gadola
Judges

The Court orders that the motion to remand is GRANTED, and this case is REMANDED to the trial court to allow defendant to bring a motion in the trial court for a new trial based on his great weight of the evidence claim or, alternatively, for resentencing and other relief as to the other issues raised in the motion to remand. If the trial court reaches the issue regarding *People v Lockridge*, ___ Mich ___; ___ NW2d ___ (Docket No. 149073, decided July 29, 2015), it shall, as directed by *Lockridge*, consider whether it would have imposed a materially different sentence but for any relevant constitutional error in accord with the discussion in *United States v Crosby*, 397 F Ed 103, 117-118 (CA 2, 2005).

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 an appropriate determination on the record. The trial court shall cause a transcript of any hearing on remand to be prepared at public expense 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 proceedings 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

NOV 12 2015

Date


Chief Clerk