

Court of Appeals, State of Michigan

ORDER

People of MI v Derrick James Bunkley

Docket No. 324614

LC No. 14-004438-01-FC

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly
Judges

The Court orders that the motion to add ground for remand, that trial counsel failed to discover and present evidence of defendant's alibi, is GRANTED.

The motion for reconsideration is GRANTED and the case is REMANDED to the trial court for an evidentiary hearing.

Defendant shall initiate the proceedings on remand within 14 days of the Clerk's certification 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 Clerk's certification 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 Clerk's certification 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.

Appellant's brief is due in accordance with MCR 7.211(C)(1)(d).

Talbot, J., would deny the motion for reconsideration.



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

NOV - 4 2015

Date


Chief Clerk