

Court of Appeals, State of Michigan

ORDER

People of MI v Haiser Nader Kader

Docket No. 328437

LC No. 14-064848-FH; 14-064849-FH

Jane E. Markey
Presiding Judge

Joel P. Hoekstra

Douglas B. Shapiro
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the Court PEREMPTORILY REVERSES the February 6, 2015 bench ruling, VACATES the February 10, 2015 orders and REMANDS these cases to the Muskegon Circuit Court for the holding of an evidentiary hearing. Once a defendant properly asserts a § 8 affirmative defense in a pretrial motion to dismiss, the trial judge “must” hold an evidentiary hearing on the merits of the motion before trial. *People v Carruthers*, 301 Mich App 590, 598; 837 NW2d 16 (2013); MCL 333.24648(b). This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



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

SEP 29 2015

Date


Chief Clerk