

Court of Appeals, State of Michigan

ORDER

People of MI v David Wayne McBrayer

Docket No. 329492

LC No. 15-000012-FH

Michael J. Riordan
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens
Judges

The Court orders that the delayed application for leave to appeal is GRANTED. The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(E)(3). This appeal is limited to the issues raised in the application and supporting brief. MCR 7.205(E)(4).

It is further ordered that the motion to remand is DENIED because defendant-appellant has failed to identify an issue to be reviewed on appeal and to demonstrate by affidavit or an offer of proof the facts to be established at a hearing. MCR 7.211(C)(1)(a)(ii).

Riordan, J., would deny the delayed application for leave to appeal. The restitution is for the expenses incurred for cleaning costs at the motel where defendant stored his methamphetamine components and for the motel proprietor's lost rental income as a result of that storage. Those expenses were listed in the trial court's Presentence Investigation Report.

Stephens, J., would grant the motion to remand.



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

NOV 24 2015

Date

Chief Clerk