

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Derek Aaron Rivera

Docket No. 330405

LC No. 15-000280-FC

Peter D. O'Connell  
Presiding Judge

Michael J. Kelly

Amy Ronayne Krause  
Judges

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The Court orders that the motion to remand is GRANTED. This case is REMANDED to the trial court so that defendant may bring a motion for resentencing based on his claim that prior record variable 5 of the sentencing guidelines was misscored.

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.

The time for proceeding 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

JUL 18 2016

Date

  
Chief Clerk