

Court of Appeals, State of Michigan

ORDER

People of MI v Jeffrey Devoe Settlemeyre

Docket No. 339828

LC No. 16-040397-FC

Michael J. Talbot
Presiding Judge

Kirsten Frank Kelly

Thomas C. Cameron
Judges

On the Court's own motion, this case is REMANDED to the trial court. On remand, the trial court shall conduct an evidentiary hearing and make factual findings as to whether any plea and sentence agreement was entered into between the parties or whether any type of preliminary sentencing evaluation was made by the prior trial judge in chambers or otherwise. Further, regardless of the trial court's factual findings as to whether such a plea and sentence agreement or preliminary sentencing evaluation actually occurred, the trial court shall make factual findings as to whether defendant's now deceased trial counsel told defendant that there was such an agreement or preliminary sentencing evaluation and whether such a belief by defendant influenced his decision to enter a guilty plea. The trial court may also grant defendant whatever relief, if any, it determines appropriate as to modification of his sentence or allowing him to withdraw his plea based on its factual findings.

Defendant shall initiate the proceedings on remand within 14 days after the date of this order. 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 this Court copies of all orders entered on remand within 14 days after entry. The trial court shall enter a clearly designated order finally disposing of the proceedings on remand within 56 days after the date of this order. Also, the trial court shall cause transcripts of all hearings on remand to be prepared at public expense and filed within 21 days after completion of the remand proceedings. Defendant shall file a copy of all such transcripts with this Court within 14 days after the transcripts are filed with the trial court.


We retain jurisdiction. Further, the delayed application for leave to appeal is HELD IN ABEYANCE until the latter of this Court receiving a copy of an order finally disposing of the remand proceedings or the filing of copies of all transcripts of the remand proceedings with this Court.



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

OCT 02 2017

Date


Chief Clerk