

Court of Appeals, State of Michigan

ORDER

People of MI v Justin Warren Withers

Docket No. 343454

LC No. 11-012098-FH

Amy Ronayne Krause
Presiding Judge

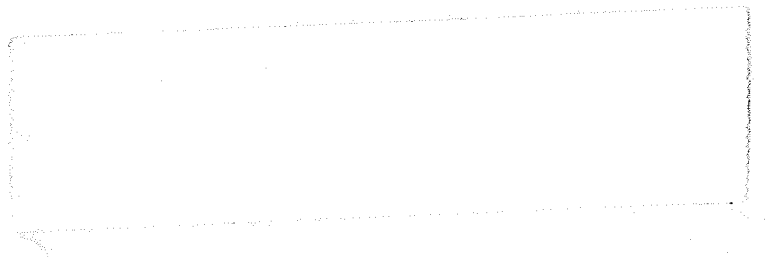
Peter D. O'Connell

Brock A. Swartzle
Judges

The Court orders the prosecutor to file an answer to the delayed application for leave to appeal within 14 days of the date of this order.

Specifically the prosecutor must address the following:

Defendant made requests for the presentence report to be redacted on the record in the trial court and the same requests to this Court in his appellate brief in *People v Withers*, Docket Number 331060. (See pages 15 to 17 of defendant's appellate brief in Docket Number 331060 which are attached hereto and incorporated herein.) This Court's opinion in Docket Number 331060, pp 5-6, can only reasonably be understood as directing the trial court to delete from the presentence report all information challenged in defendant's appellate brief in that appeal. However, it seems from the application that the trial court failed to do so on remand, contrary to its obligation under the rule of mandate to "strictly comply with" this Court's direction as to the remand. *Int'l Business Machines Corp v Dep't of Treasury*, 316 Mich App 346, 352; 891 NW2d 880 (2016).



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

JUN 22 2018

Date


Chief Clerk