

# Court of Appeals, State of Michigan

## ORDER

People of MI v Samuel Sammy Cuellar

Docket No. 343954

LC No. 13-038412-FC

Stephen L. Borrello  
Presiding Judge

Peter D. O'Connell

Michael J. Kelly  
Judges

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The Court issued an order on November 5, 2018 that contains a clerical error. On the Court's own motion, the Court orders that the November 5, 2018 order is VACATED.

The Court further orders that the motion to waive fees is GRANTED for this case only.

In lieu of granting the delayed application for leave to appeal, the Court orders that the motion to remand is GRANTED. This case is REMANDED to the trial court for an evidentiary hearing and decision whether defendant was denied the effective assistance of counsel. *People v Ginther*, 390 Mich 436 (1993). Proceedings on remand are limited to the issues raised in the motion to remand.

Defendant shall initiate the proceedings on remand within 14 days of the date of this order. The time for further proceedings in this appeal shall begin to run on the issuance of an order in the trial court that concludes the remand proceedings. However, if defendant fails to file a motion to initiate the proceedings within the time provided, the time for further proceedings in this appeal shall begin to run at the conclusion of that 14-day period. Defendant shall file with this Court a copy of any motion and supporting brief filed in the trial court, and defendant shall file a copy of any order entered within 14 days after entry.

This Court does not retain jurisdiction.



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

NOV - 7 2018

Date

  
Chief Clerk