

Court of Appeals, State of Michigan

ORDER

People of MI v Shane Michael Moore

Docket No. 334768

LC No. 16-000731-FH

Colleen A. O'Brien
Presiding Judge

Kathleen Jansen

Elizabeth L. Gleicher
Judges

This Court orders that the motion to remand is GRANTED. This case is REMANDED to the trial court for an evidentiary hearing and so defendant can file a motion for appropriate relief as to the claims raised in the motion to remand.

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. Defendant may file a supplemental brief pertaining to the issues raised on remand within 21 days after entry of the trial court's order deciding the matter or 21 days after the transcript of the hearing is filed, whichever is later. Plaintiff may file a supplemental brief in response. 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.

The motion for leave to file supplemental brief is DENIED as our disposition of the motion to remand allows for filing a supplemental brief after conclusion of the remand proceedings. It would be preferable for such a supplemental brief to be filed in a manner that addresses the proceedings on remand as to the relevant issue.



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

JAN 16 2019

Date


Chief Clerk