

Court of Appeals, State of Michigan

ORDER

People of MI v Victor Peery

Docket No. 344325

LC No. 2016-000285-FC

Douglas B. Shapiro
Presiding Judge

Jane E. Markey

Jane M. Beckering
Judges

The Court orders that plaintiff's motion to remand pursuant to MCR 7.216(A)(5) is GRANTED. This case is REMANDED to the trial court in order for additional evidence to be taken regarding the questions posed by the Michigan Supreme Court in its order remanding to this Court. See *People v Peery*, 503 Mich 1039; 927 NW2d 256 (2019). Proceedings on remand are limited to the issues raised in the motion to remand. This Court retains jurisdiction.

Plaintiff 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 plaintiff 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. Plaintiff shall file with this Court a copy of any motion and supporting brief filed in the trial court, and plaintiff shall file a copy of any order entered within 14 days after entry.

The trial court shall hear and decide the matter within 56 days of the date of this order and shall make an appropriate determination on the record. The trial court shall order a transcript of any hearing on remand to be prepared at public expense and filed within 21 days after completion of the proceedings.

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



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

DEC 10 2019

Date

Chief Clerk