

Court of Appeals, State of Michigan

ORDER

People of MI v Dametrius Benjamin Posey

Docket No. 345491

LC No. 18-000074-01-FC

Christopher M. Murray
Presiding Judge

Karen M. Fort Hood

Anica Letica
Judges

The Court orders that the motion to remand is GRANTED. This case is REMANDED to the trial court to allow defendant to file a motion for resentencing based on the issue raised in the motion to remand. On remand, the trial court shall review defendant's sentence and rescore the sentencing guidelines variables, if appropriate. This Court retains jurisdiction.

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.

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.



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

July 5, 2019
Date


Chief Clerk