

Court of Appeals, State of Michigan

ORDER

People of MI v Lucas Daniel Gonzales

Docket No. 346642

LC No. 2014-003822-FC

David H. Sawyer
Presiding Judge

Jane M. Beckering

Douglas B. Shapiro
Judges

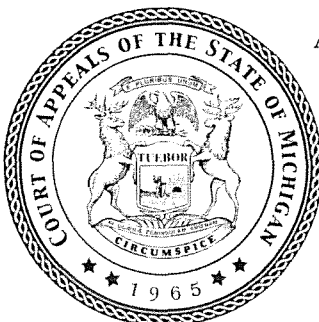
The Court orders the motion to waive fees is GRANTED for this case only.

On the Court's own motion, the Court VACATES its order entered in this matter on May 1, 2019. Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the Court REMANDS this matter to the Berrien Circuit Court for the purpose of reconsidering the merits of defendant's motion for relief from judgment after holding an evidentiary hearing. Proceedings on remand are limited to the issues raised in defendant's original motion and supporting brief. The trial court shall appoint appellate counsel to represent defendant at the hearing. MCR 6.425(G)(1)(d)(ii); MCR 6.505. This Court retains jurisdiction.

The trial court shall hear and decide the matter within 77 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.

Defendant shall 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. The prosecutor shall file a responsive brief.

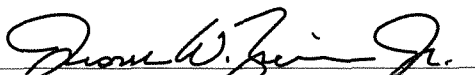
Sawyer, P.J., would deny the delayed application for leave to appeal.



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

MAY 20 2019

Date


Chief Clerk