

Court of Appeals, State of Michigan

ORDER

People of MI v James Patrick Walsh

Docket No. 347145

LC No. 18-000326-FH

Jane M. Beckering
Presiding Judge

Douglas B. Shapiro

Mark T. Boonstra
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the Court GRANTS the motion to remand and REMANDS this matter to the St. Clair Circuit Court for an evidentiary hearing and decision whether defendant-appellant was denied the effective assistance of counsel, limited to the issue of whether trial counsel was ineffective in failing to file a motion to suppress the fruits of the search based on the claim that it was executed prior to the issuance of the warrant. *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1993). The circuit court shall also reconsider the merits of defendant-appellant's motion to withdraw plea following the evidentiary hearing, but only as it applies to defendant-appellant's claims of trial counsel ineffectiveness for the above-noted reason. This order has immediate effect. MCR 7.215(F)(2). This Court does not retain jurisdiction.



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

FEB 13 2019

Date


Chief Clerk