

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Steven Ray Miller

Docket No. 346744

LC No. 18-001518-FH

Cynthia Diane Stephens  
Presiding Judge

Colleen A. O'Brien

James Robert Redford  
Judges

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On appeal defendant asserts that his trial counsel provided him ineffective assistance by not objecting to the admission of testimony by the prosecution's expert witness regarding the frequency with which children who make allegations of child sexual abuse recant such allegations, and by not objecting to the victim's mother's testimony regarding the victim's character for truthfulness. Because the lower court record is not fully developed in this regard, and the trial court did not have occasion to address and decide defendant's ineffective assistance of counsel claims, we REMAND for the trial court to conduct an evidentiary hearing<sup>1</sup> to determine whether defendant's trial counsel provided him ineffective assistance. On remand, the trial court shall conduct an evidentiary hearing and enter an order reflecting its findings and conclusions. We retain 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.

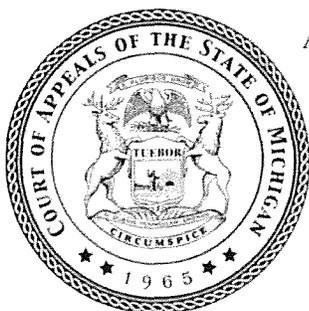
The trial court shall hear and decide the matter within 56 days of the date of this order. The trial court shall order a transcript of any hearing on remand to be prepared at public expense and filed within 21 days after completion of the proceedings.

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<sup>1</sup> *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973).

Defendant 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. Plaintiff may file a supplemental brief in response within 21 days after service of defendant's supplemental brief.

  
\_\_\_\_\_  
Presiding Judge



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

JUN 23 2020

Date

  
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Chief Clerk