

Court of Appeals, State of Michigan

ORDER

People of MI v Paul Thomas Gabriel

Docket No. 351570

LC No. 19-000140-FC

Jane E. Markey
Presiding Judge

Douglas B. Shapiro

James Robert Redford
Judges

The Court GRANTS the motion to stay. Proceedings are STAYED pending the resolution of this appeal or further order of this Court.

The Court GRANTS the motion to remand. This case is REMANDED to the Muskegon Circuit Court for the purpose of holding an expedited evidentiary hearing at which Elizabeth DeYoung and Brian E. Hosticka shall testify regarding their respective conversations with defendant. Following the close of proofs, the trial court shall reconsider the merits of defendant's motion to disqualify in light of the evidence adduced at the hearing and the conflict of interest standard found in *People v Doyle*, 159 Mich App 632 (1987), and *People v Mayhew*, 236 Mich App 112 (1999). The trial court shall hear and decide this matter within 28 days of the date of this order and shall make an appropriate determination on the record. 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. 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. The prosecutor shall file a supplemental brief addressing the issues raised on remand within 14 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 shall file a supplemental brief in response within 14 days after service of the prosecutor's supplemental brief.

The Courts HOLDS IN ABEYANCE the application for leave to appeal pending the filing of supplemental briefs. This Court retains jurisdiction.



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

MAR 10 2020

Date


Chief Clerk