

Court of Appeals, State of Michigan

ORDER

People of MI v Thomas Harold Zaker

Docket No. 351937

LC No. 06-011379-01-FC

Michael J. Riordan
Presiding Judge

Cynthia Diane Stephens

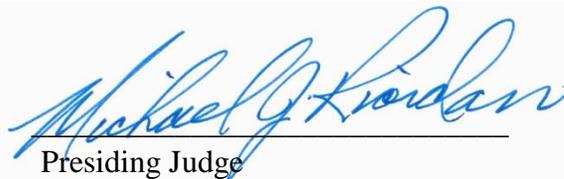
Anica Letica
Judges

The Court orders that the motion to remand is GRANTED. This case is REMANDED to the trial court to allow defendant to file an appropriate motion to vacate the October 9, 2019 order granting his motion for relief from judgment and to withdraw that motion. Proceedings on remand are limited to the issues raised in the motion to remand. This Court retains jurisdiction.

Defendant shall initiate the proceedings on remand within 21 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 21-day period. Defendant shall file with this Court a copy of any motion and supporting brief filed in the trial court.

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 prosecutor shall file a copy of any order entered within 14 days after entry.

Absent a voluntary dismissal of the appeal pursuant to MCR 7.218, the prosecutor shall order a transcript of any hearing on remand to be filed within 21 days after completion of the proceedings, and the time for filing the appellee's brief will be 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.


Presiding Judge



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

December 8, 2020

Date


Chief Clerk