

Order

Michigan Supreme Court
Lansing, Michigan

May 1, 2018

Stephen J. Markman,
Chief Justice

156140 & (12)

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 156140
COA: 337328
Wayne CC: 12-006757-FC

JORGE LOPEZ,
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the June 19, 2017 order of the Court of Appeals and the motion to remand are considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the June 19, 2017 order of the Court of Appeals, and the September 16, 2016 order of the Wayne Circuit Court denying the defendant's motion for an evidentiary hearing. We REMAND this case to the Wayne Circuit Court for further proceedings. The defendant filed three post-judgment motions in the circuit court: a motion to appoint counsel, a motion for an evidentiary hearing, and a motion for relief from judgment. While these motions are not listed in the register of actions, they are stamped "received" July 26, 2016, and are contained in the lower court file. The circuit court's September 16, 2016 order denied the motion for an evidentiary hearing, but there is no order in the circuit court record addressing the other motions. On remand, the circuit court shall rule on the defendant's other pending motions, and shall reconsider the motion for an evidentiary hearing in light of the arguments made in the defendant's related motion for relief from judgment.

We do not retain jurisdiction.



d0423

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 1, 2018

Clerk