

Order

Michigan Supreme Court
Lansing, Michigan

December 28, 2005

Clifford W. Taylor,
Chief Justice

129090

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 129090
COA: 259203
Wayne CC: 93-013326-FY

ANDRES A. COLMINES,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 24, 2005 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Wayne Circuit Court for a determination of whether defendant is entitled to jail credit for time served on this offense because of his inability to post bond. MCL 769.11b. If the court determines that defendant is entitled to jail credit, it shall determine the appropriate amount and issue an amended Judgment of Sentence accordingly.

In all other respects, leave to appeal is DENIED, because the defendant has failed to meet the burden of establishing entitlement to relief under MCR 6.508(D).

We do not retain jurisdiction.



d1221

I, Corbin R. Davis, 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.

December 28, 2005

Corbin R. Davis

Clerk