# Court of Appeals, State of Michigan

## ORDER

People of MI v Miguel Montanez

Docket No. 285480

LC No. 07-014315-FH

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens
Judges

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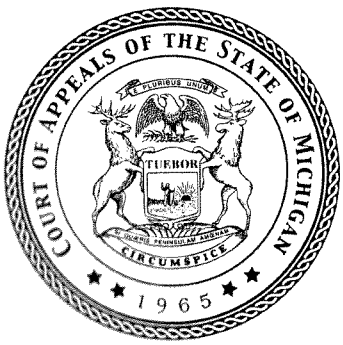
The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED. This matter is REMANDED to the trial court for an evidentiary hearing and decision whether defendant-appellant was denied the effective assistance of counsel or should otherwise be granted a new trial. The proceedings on remand are limited to the issues raised in the motion to remand. The Court retains jurisdiction and the time for proceeding with the appeal in this Court shall begin to run upon issuance of an order in the trial court that disposes of the post-conviction proceedings.

Defendant-appellant shall file with this Court a copy of any motion and supporting brief filed in the trial court within 14 days after the Clerk's certification of this order. Defendant-appellant shall also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry and cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

The trial court shall hear and decide the matter within 56 days after the Clerk's certification of this order. The trial court shall make findings of fact and a determination on the record.

Defendant-appellant may file a supplemental brief pertaining to the issues raised on remand within 21 days after entry of the trial court's order deciding the matter or 21 days after the transcript of the hearing is filed, whichever is later. Appellee may file a supplemental brief in response.

The time for proceeding with the appeal shall begin to run 14 days after the date this order is certified if the motion to initiate the post-conviction proceedings is not filed in the trial court within that 14-day period.




A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 18 2009
Date

Sandra Schultz Mengel
Chief Clerk