

Court of Appeals, State of Michigan

ORDER

People of MI v Bryan Zala-Chapman Howe

Docket No. 313143

LC No. 12-050377-FH

Donald S. Owens
Presiding Judge

William C. Whitbeck

Patrick M. Meter
Judges

The Court orders that the motion to remand is DENIED for failure to persuade the Court of the necessity of a remand at this time. We note that, contrary to the indication of the motion to remand, defendant is not entitled to a remand for an evidentiary hearing merely because he raises claims of ineffective assistance of counsel. Rather, whether to grant a motion to remand is discretionary with this Court. *People v Hernandez*, 443 Mich 1, 15; 503 NW2d 629 (1993). We also disapprove of the filing of a supporting brief to the motion to remand that merely reiterates all of the issues raised in defendant's brief on appeal rather than filing a supporting brief appropriately focused on the motion to remand and the specific matter of whether a remand is warranted.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 15 2013

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk