

Court of Appeals, State of Michigan

ORDER

People of MI v Darrin Crawford

Docket No. 319998

LC No. 13-007629-01-FC

Elizabeth L. Gleicher
Presiding Judge

David H. Sawyer

William B. Murphy
Judges

ON REMAND

On remand from our Supreme Court, this Court is directed to “give further consideration of the defendant’s contention that the jury was not sworn” and provide “an explanation why it [this Court] failed to consider the amended transcript in concluding that no oath was administered.”

The amended transcript filed with this Court does not contain any amended pages that reflect that an oath was administered. The only source of those amended pages is the attachment to the prosecutor’s motion in the Supreme Court filed several months after this Court’s October 13, 2015 opinion was issued. According to that motion, the amended pages were actually attached to the end of a copy of the original transcript and it was labeled “amended transcript” and supplied to the parties. But, while the official record supplied to this Court and the Supreme Court does contain a full transcript labeled “Amended Transcript,” it does not contain those amended pages reflecting the jury being sworn, either in place of the original pages or appended to the end. Therefore, this Court could not consider the amended pages in the amended transcript because it has never been supplied to us. We can only speculate why those pages were omitted from the official transcript filed with this Court; and therefore, we REMAND to the trial court for settlement of the record.

The trial court shall, within 14 days of the Clerk’s certification of this order, settle the transcript discrepancy in the official record that was provided to this Court by providing this Court with the location in the transcript or in the amended transcript where the oath was in fact given. If the trial court determines that the official record contains an incorrect amended transcript, the trial court shall order the court reporter to file a corrected transcript. If the trial court determines that the transcripts contained in the official record are correct, the trial court shall order that the record be recertified and forwarded to this Court for final resolution of this appeal.

We retain jurisdiction. This order has immediate effect. MCR 7.215(F)(2).



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

SEP 20 2016

Date

Chief Clerk