

Court of Appeals, State of Michigan

ORDER

People of MI v Michael Eric Flores

Docket No. 326936

LC No. 14-040327-FC

Michael F. Gadola
Presiding Judge

Patrick M. Meter

Stephen L. Borrello
Judges

The Court orders that the motion to remand is DENIED IN PART and GRANTED IN PART. The motion is DENIED as to the sentencing issue raised by defendant for failure to persuade the Court of the necessity of a remand at this time as to that issue. However, the motion is GRANTED as to the claim of ineffective assistance of counsel based on trial counsel's failure to seek in camera review of the child complainant's relevant therapy records. On remand, the trial court shall obtain and review those records in camera in line with *People v Stanaway*, 446 Mich 643; 521 NW2d 557 (1994), to determine if they contain impeachment or exculpatory evidence that warrants a new trial based on this claim of ineffective assistance of counsel.

Defendant shall initiate the proceedings on remand within 14 days of the date of this order. 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 remand proceedings. Defendant shall file with this Court a copy of any motion and supporting brief filed in the trial court within 14 days after the date of this order. Defendant shall also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry. The trial court shall hear and decide the matter within 56 days of the date of this order. The trial court shall make an appropriate determination on the record. The trial court shall cause a transcript of any hearing on remand to be prepared at public expense and filed within 21 days after completion of the proceedings. Defendant 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. Plaintiff may file a supplemental brief in response. The time for proceedings with the appeal shall begin to run 14 days after the date of this order if a motion to initiate the proceedings on remand is not filed in the trial court within that 14-day period.



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

FEB 01 2016

Date

Chief Clerk