

Court of Appeals, State of Michigan

ORDER

People of MI v Samuel Mora

Docket No. 272733

LC No. 2005-204023-FC

Jessica R. Cooper

Presiding Judge

Kathleen Jansen

Pat M. Donofrio

Judges

The Court orders that the motion to remand for evidentiary hearing is GRANTED, and the matter is remanded to the trial court so that defendant-appellant may file, within 14 days, a motion for resentencing. Proceedings on remand are limited to the resentencing issue raised in the motion to remand.

This Court retains jurisdiction in the cause, and the time for proceeding with the appeal in this Court begins upon issuance of an order in the trial court which disposes finally of the proposed post-conviction proceedings.

Defendant-appellant is to file with this Court a copy of any motion and any supporting brief filed in the trial court within 14 days of the Clerk's certification of this order. **The trial court is to hear and decide the matter within 56 days of the Clerk's certification of this order.** Defendant-appellant must file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry.

The trial court shall make findings of fact and a determination on the record. The trial court shall cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of proceedings. Defendant-appellant is responsible for procuring the filing of the transcript of any remand hearing. MCR 7.210(B)(1). Any supplemental brief shall be filed within 21 days of the filing of the transcript or decision on the motion, whichever is later.

The time for proceeding with the appeal shall commence to run 14 days from the date of the certification of this order in the event that proposed post-conviction proceedings are not filed in the trial court within that 14-day period.



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

MAY 24 2007
Date

Sandra Schultz Mengel
Chief Clerk