

Court of Appeals, State of Michigan

ORDER

People of MI v Randy Edwards

Docket No. 305399

LC No. 11-004802-FH

Kurtis T. Wilder
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly
Judges

The Court orders that the order of August 4, 2011, is VACATED to the extent that it held the application in abeyance.

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the July 22, 2011, order of the Wayne Circuit Court sua sponte remanding the case for a preliminary examination hereby is REVERSED. Defendant previously had waived his preliminary examination. At the later hearing before the circuit court, neither party requested a remand for a preliminary examination. The plain language of MCR 6.110(H) requires "a proper motion" for such a remand. In the absence of such a motion, nothing in the record provided to this Court justifies a sua sponte remand for a preliminary examination that defendant already had waived. The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



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

AUG 25 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Chief Clerk