

Court of Appeals, State of Michigan

ORDER

In re Parole of Earl Young

Docket No. 316413

LC No. 09-025099-01-FH

Cynthia Diane Stephens
Presiding Judge

Michael J. Talbot

Christopher M. Murray
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), the Court orders that the April 26, 2013, decision is VACATED. The order does not contain sufficient substantive analysis for a reviewing court to understand why the circuit court “withdrew” its “objection” to the Parole Board’s decision to grant defendant parole after it had previously found the Parole Board decision to be “a total, outrageous abuse of discretion.” Therefore, the matter is REMANDED for the appropriate articulation, and we direct the circuit court to issue a decision within 35 days from the date of the Clerk’s certification of this order.

Because this Court vacated the circuit court’s prior reversal order in the previous appeal, *In re Parole of Earl Young*, unpublished opinion per curiam of the Court of Appeals, issued October 30, 2012 (Docket No. 304837), the circuit court shall also enter a final order either reversing or affirming the Parole Board decision in order to conclude the appellate proceeding in the circuit court.

Until the circuit court enters the appropriate final order, the Parole Board’s decision is not enforceable. We note that the circuit court initially entered a stay of the Parole Board’s decision and has never lifted the stay. Therefore, until the appellate proceedings have concluded, the Michigan Department of Corrections shall not release defendant.

We retain jurisdiction.



A true copy entered and certified by Angela P. DiSessa, Acting Chief Clerk, on

JUN 03 2013

Date

Angela P. DiSessa

Acting Chief Clerk