

Court of Appeals, State of Michigan

ORDER

People of MI v Steven Aderrick Odom

Docket No. 304699

LC No. 10-000618-FC

Jane E. Markey
Presiding Judge

David H. Sawyer

Jane M. Beckering
Judges

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED. This matter is REMANDED to permit defendant-appellant to move for a new trial for the reasons identified in the motion to remand and the trial court to conduct an evidentiary hearing to determine whether any of the deliberating jurors saw the restraints worn by defendant-appellant. See *People v Davenport*, 488 Mich 1054; 794 NW2d 616 (2011); *Rhoden v Rowland*, 10 F3d 1457, 1460 (CA 9, 1993). 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 post-conviction proceedings.

Defendant-appellant shall file with this Court a copy of any motion and supporting brief filed in the trial court within 14 days after the Clerk's certification of this order. Defendant-appellant 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 after the Clerk's certification of this order. The trial court shall make findings of fact and a determination on the record and cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

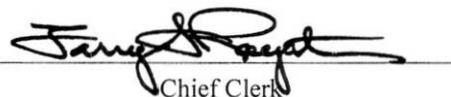
The time for proceeding with the appeal shall begin to run 14 days after the date this order is certified if the motion to initiate the post-conviction proceedings is not filed in the trial court within that 14-day period.



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

JUN 22 2012

Date


Chief Clerk