

Court of Appeals, State of Michigan

ORDER

People of MI v Franklin Roy Miller

Docket No. 310961

LC Nos. 11-010535-FH; 11-010577-FH

Jane E. Markey
Presiding Judge

Joel P. Hoekstra

Jane M. Beckering
Judges

The Court orders that, in lieu of granting defendant's delayed application for leave to appeal, this case is REMANDED for an evidentiary hearing on the issue of restitution. The prosecution must prove the amount of the victim's allowable loss by a preponderance of the evidence. MCL 780.767(4).

In all other respects the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

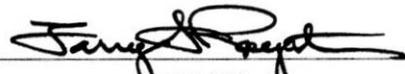
We do not retain jurisdiction.



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

MAY 07 2013

Date


Chief Clerk