

Court of Appeals, State of Michigan

ORDER

People of MI v Wendell Alan Racette

Docket No. 314895

LC No. 11-000182-FC

Patrick M. Meter
Presiding Judge

Peter D. O'Connell

Donald S. Owens
Judges

The Court orders that the motion to supplement the motion to remand is GRANTED. The motion to remand is also GRANTED. The case is REMANDED to allow defendant to have an evidentiary hearing and to file a motion for a new trial on any ground he considers appropriate that is within the scope of the motion to remand and/or the motion to supplement the motion to remand.

Defendant shall initiate the proceedings on remand within 14 days of the Clerk's certification of this order. 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 remand proceedings. Defendant 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 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 of the Clerk's certification of this order. The trial court shall make findings of fact and a determination on the record. Defendant shall cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

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



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

SEP 19 2013

Date

Chief Clerk