

Court of Appeals, State of Michigan

ORDER

People of MI v Niles Lyndon Johnson

Docket No. 308843

LC No. 11-000798-FH

Douglas B. Shapiro
Presiding Judge

Jane E. Markey

Cynthia Diane Stephens
Judges

After consideration of defendant-appellant’s oral motion for remand, the Court GRANTS the motion and REMANDS this matter to the trial court for an evidentiary hearing to develop the record with respect to defendant-appellant’s claims that he was denied a fair trial because he was required to wear physical restraints during the trial. At the evidentiary hearing, at least those jurors who sat in seat numbers 1 and 8 shall be questioned regarding the concern defendant-appellant expressed before opening statements that these two jurors in particular were able to see the ankle bracelets he was wearing.

This panel of the Court retains jurisdiction.

Defendant-appellant shall initiate the proceedings on remand by motion filed within 14 days after the Clerk’s certification of this order. Defendant-appellant shall file a copy of the motion and any opinions or orders that are entered on remand with the Clerk of this Court.

The trial court is directed to hold the evidentiary hearing within 42 days after the Clerk’s certification of this order, to make findings of fact and a decision by written opinion or decision on the record within 14 days of the evidentiary hearing and to cause a transcript of the evidentiary hearing to be prepared and filed within 21 days after the completion of the proceedings.



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

FEB 20 2014

Date

Chief Clerk