Court of Appeals, State of Michigan

ORDER

People of MI v Abdullah Muhammad-Yusaf Johnson

Docket No. 277715

LC No. 06-013355-01

Michael J. Talbot
Presiding Judge

Helene N. White

Brian K. Zahra
Judges

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED. This matter is REMANDED to the trial court for an evidentiary hearing and decision whether defendant-appellant was denied the effective assistance of counsel. The proceedings on remand are limited to the issues raised in defendant-appellant's *pro se* motion to remand and *pro se* supplemental brief regarding defense counsel's failure to interview defense witness David Johnson prior to trial and failure to call Eddy Stanley as a defense witness. The proceedings on remand shall be initiated and prosecuted by appointed counsel for defendant-appellant. 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 of 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.

Defendant-appellant may file a supplemental brief pertaining to the issues raised on remand within 21 days after entry of the trial court's order deciding the matter or 21 days after the transcript of the hearing is filed, whichever is later. Appellee may file a supplemental brief in response.

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 Sandra Schultz Mengel, Chief Clerk, on

MAY 19 2008
Date

Sandra Schultz Mengel
Chief Clerk