Court of Appeals, State of Michigan

ORDER

People of MI v Myron Antonio McClendon

Docket No. 292677

LC No. 09-004250-FC

Peter D. O'Connell
Presiding Judge

William C. Whitbeck

Alton T. Davis
Judges

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1)(a) is GRANTED. This matter is REMANDED to the trial court for an evidentiary hearing as to defendant's claim of ineffective assistance of counsel.

Appointed counsel for 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 and cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

Defendant 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. Plaintiff may file a supplemental brief in response.

The time for proceedings with the appeal shall begin to run 14 days after the date this order is certified if the 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 Sandra Schultz Mengel, Chief Clerk, on

NOV 13 2009
Date

Sandra Schultz Mengel
Chief Clerk