Court of Appeals, State of Michigan

ORDER

People of MI v Charles Curtis Merriman

Docket No. 292281

LC No. 07-036010-FC

Peter D. O'Connell
Presiding Judge

Donald S. Owens

Stephen L. Borrello
Judges

The Court orders that the motion to remand is GRANTED in part. This matter is REMANDED to the trial court for the trial court to provide either an oral or written explanation for the amount of the additional attorney fees and expenses awarded in its May 29, 2008 order. Further, on remand, the trial court may in its discretion conduct an evidentiary hearing regarding this matter. We additionally order that the trial court on remand may order an award of an additional amount to either or both appellants if it decides that it is appropriate to do so. See MCR 7.208(A)(1).

Counsel for appellants 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. Appellants 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. Appellants 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. Appellants shall cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings. Appellants 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 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

JUN - 4 2010
Date

Sandra Schultz Mengel
Chief Clerk