Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V MATTHEW ALLEN SPENCER

Docket No. 378313

LC No. 2025-003036-FH

Colleen A. O'Brien
Presiding Judge

Mark T. Boonstra

Mariam S. Bazzi
Judges

The motion to remand is GRANTED to the extent that this case is REMANDED to the trial court for an explanation as to why the judge who accepted defendant's plea was not "reasonably available" to sentence defendant. *People v Bennett*, 344 Mich App 12, 18; 999 NW2d 827 (2022). Proceedings on remand are limited to the issues raised in the motion to remand.

Defendant shall initiate the proceedings on remand within 14 days of the date of this order. The time for further proceedings in this appeal shall begin to run on the issuance of an order in the trial court that concludes the remand proceedings. However, if defendant fails to file a motion to initiate the proceedings within the time provided, the time for further proceedings in this appeal shall begin to run at the conclusion of that 14-day period. Defendant shall file with this Court a copy of any motion and supporting brief filed in the trial court, and defendant shall file a copy of any order entered within 14 days after entry.

The trial court shall hear and decide the matter within 56 days of the date of this order and shall make an appropriate determination on the record. The trial court shall order a transcript of any hearing on remand to be prepared at public expense and filed within 21 days after completion of the proceedings.

The application for leave to appeal remains pending. We retain jurisdiction.

Colleen A. O'Brien
Presiding Judge

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

December 19, 2025
Date

Chief Clerk