

Court of Appeals, State of Michigan

ORDER

People of MI v Rufus Williams

Docket No. 308345

LC No. 81-007337-FC

Michael J. Kelly
Presiding Judge

Peter D. O'Connell

Stephen L. Borrello
Judges

The Court orders that the motion to waive fees is GRANTED for this case only.

In lieu of granting leave to appeal, the Court orders that the circuit court's February 16, 2011 order is VACATED, and this matter is REMANDED for preparation of a decision on the merits consistent with MCR 6.508(E). Where defendant's only prior motion for relief from judgment was filed in 1986, the court erred in treating this motion for relief from judgment as successive. Regardless of whether defendant filed a motion prior to August 1, 1995, MCR 6.502(G)(1) allows a defendant to file one motion for relief from judgment after August 1, 1995.

We do not retain jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JUL 26 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk