

Court of Appeals, State of Michigan

ORDER

People of MI v Curtis Laverne Baker

Docket No. 327109

LC No. 05-006525-FC

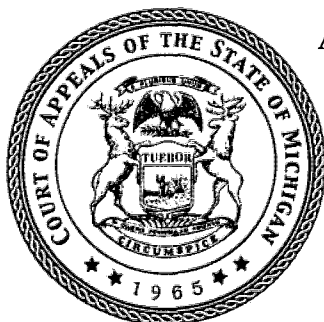
Jane M. Beckering
Presiding Judge

David H. Sawyer

Joel P. Hoekstra
Judges

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

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the Court PEREMPTORILY REVERSES the rulings of the trial court, VACATES the February 17, 2015 and March 12, 2015 orders of the trial court and REMANDS this matter to the trial court for consideration of defendant's petition for DNA on the merits. A petition for DNA testing brought under MCL 770.16 is not a motion for judgment relief within the meaning of chapter 6.500 of the Michigan Court Rules and, thus, the procedural bar against successive motions found in MCR 6.502(G) does not bar a petition brought under MCL 770.16. See *People v Faulkner*, 495 Mich 912; 840 NW2d 365 (2013); *People v Merriweather*, 479 Mich 860; 735 NW2d 250 (2007). This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



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

MAY 20 2015

Date

Jerome W. Zimmer Jr.
Chief Clerk