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**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Anthony Bruce Dunigan

Docket No. 327365

LC No. 1979-002058-FY

Jane E. Markey  
Presiding Judge

William B. Murphy

Douglas B. Shapiro  
Judges

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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) and MCR 7.211(C)(4), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the ruling of the trial court, VACATES the April 24, 2015 order of the trial court and REMANDS this matter to the trial court for consideration of defendant's motion for relief from judgment on the merits. "Under MCR 6.502(G)(1), a criminal defendant may file one motion for relief from judgment after August 1, 1995, notwithstanding the defendant's having filed one or more such motions before that date." *Ambrose v Recorder's Court Judge*, 459 Mich 884; 587 NW2d 282 (1998); see also *People v Faulkner*, 495 Mich 912; 840 NW2d 365 (2013). Our review of the trial court's opinion reveals that defendant's motion was his first motion for relief from judgment under MCR 6.500 *et seq.*, filed after August 1, 1995. Thus, the procedural bar against successive motions found in MCR 6.502(G) does not bar the trial court from considering defendant's motion on the merits. 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

JUL 07 2015

Date

Jerome W. Zimmer Jr.  
Chief Clerk