

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Marvin D. Cotton

Docket No. 330087

LC No. 01-003175-FC

Douglas B. Shapiro  
Presiding Judge

Jane M. Beckering

Mark T. Boonstra  
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), in lieu of granting the delayed application for leave to appeal, the Court PEREMPTORILY REVERSES the decision of the Wayne Circuit Court, VACATES the May 14, 2015 order denying appellant's successive motion for relief from judgment, and REMANDS this matter for an evidentiary hearing under MCR 6.508(C) on appellant's claim of newly discovered evidence of innocence. The facts averred in the affidavits presented by appellant are sufficiently plausible to justify an evidentiary hearing. On remand, the circuit court shall appoint counsel for appellant, as required by MCR 6.505(A). This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



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

APR 22 2016

Date

Chief Clerk