

Court of Appeals, State of Michigan

ORDER

People of MI v Randy Lee Ray

Docket No. 333780

LC No. 05-034767-FH

Jane E. Markey
Presiding Judge

David H. Sawyer

Mark T. Boonstra
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 decisions of the Monroe Circuit Court denying defendant's motions for relief from judgment and reconsideration, and VACATES the July 22, 2015 and May 13, 2016 orders that effectuate those decisions. The circuit court record shows that the trial court heard oral argument by the prosecutor on the defendant's motion for relief from judgment, but did not appoint counsel to represent the defendant at the hearing, as required by MCR 6.505(A). On remand, the Monroe Circuit Court must appoint counsel to represent defendant, and then reconsider the defendant's motion for relief from judgment after hearing oral argument by appointed counsel and the prosecutor. The court then is to issue a new order granting or denying relief from judgment. *People v Page*, 463 Mich 1008; 627 NW2d 598 (2001). 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

SEP 28 2016

Date

Chief Clerk