

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Richard Page McClain

Docket No. 345543

LC No. 07-023859-01-FC

Cynthia Diane Stephens  
Presiding Judge

Christopher M. Murray

Anica Letica  
Judges

---

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

Pursuant to MCR 7.205(E)(2), the Court orders that in lieu of granting the delayed application, the trial court's order denying defendant's motion for relief from judgment is VACATED, and the matter REMANDED for reconsideration in light of *People v Johnson*, 502 Mich 541; 916 NW2d 676 (2018). Pursuant to *Johnson*, on remand, the trial court shall determine whether a reasonable juror could find Shadell Love's confession credible, and if so, whether a different result would be probable on retrial. See *id.* at 566-572.

The motion to remand for an evidentiary hearing is DENIED. However, on remand, the trial court may conduct an evidentiary hearing if it concludes that one is necessary to perform the required analysis under *Johnson*. See MCR 6.508(B).

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.

Murray, C.J., would deny the remand for reconsideration in light of *People v Johnson*, 502 Mich 541; 916 NW2d 676 (2018).



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

FEB 06 2019

Date

Chief Clerk