Court of Appeals, State of Michigan

ORDER

People of MI v Ashley Jordan Parker

Docket No. 356091

LC No. 05-004785-01-FC

Kirsten Frank Kelly
Presiding Judge

Christopher M. Murray

Cynthia Diane Stephens
Judges

In lieu of granting the delayed application for leave to appeal, the Court orders, pursuant to MCR 7.205(E)(2), that the December 10, 2020 order of the Wayne Circuit Court denying defendant's motion for relief from judgment hereby is VACATED. The court erred in ruling that defendant failed to show good cause regarding the alleged violation of *Brady v Maryland*, 373 US 83; 83 S Ct 1194; 10 L Ed 2d 215 (1963). Contrary to the trial court's ruling, the issue was not previously decided against defendant in his claim of appeal by right, as that appeal was decided in 2007, before the issuance of the 2011 Michigan State Police Laboratory Report. Further, the trial court's analysis of the remaining issues is insufficient to facilitate meaningful appellate review.

On remand, the trial court shall direct the Wayne County Prosecutor to file an answer to defendant's motion within 56 days. Once in receipt of the answer, the trial court shall reconsider the issues raised by defendant and, if it determines that defendant is not entitled to relief, issue an opinion with a statement of the reasons for its decision. See MCR 6.504(B)(2). The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.

Presiding Judge

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

April 20, 2021
Date

Chief Clerk