

# Order

Michigan Supreme Court  
Lansing, Michigan

September 6, 2016

Robert P. Young, Jr.,  
Chief Justice

152361

Stephen J. Markman  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 152361  
COA: 327106  
Wayne CC: 75-008084

LEDURA WATKINS,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the August 26, 2015 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave, we VACATE the August 26, 2015 order of the Court of Appeals and REMAND this case to the Wayne Circuit Court for reconsideration, under MCR 6.508(D), of Issues I and II of the defendant's motion for relief from judgment. The circuit court erred in applying *People v Cress*, 468 Mich 678 (2003), to an analysis of whether the defendant's motion was improperly successive under MCR 6.502(G). See *People v Swain*, 499 Mich 920 (2016). *Cress* does not apply to the procedural threshold of MCR 6.502(G)(2), as the plain text of the court rule does not require that a defendant satisfy all elements of the test. In Issues I and II, the defendant provided "a claim of new evidence that was not discovered before the first" motion for relief from judgment, MCR 6.502(G)(2).



s0829

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 6, 2016

  
Clerk