

Order

Michigan Supreme Court
Lansing, Michigan

July 25, 2017

Stephen J. Markman,
Chief Justice

154111 & (27)

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen
Kurtis T. Wilder,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 154111
COA: 330207
Berrien CC: 2011-003033-FC

MICHAEL EUGENE BARNER,
Defendant-Appellant.

By order of April 4, 2017, the prosecuting attorney was directed to answer the application for leave to appeal the June 17, 2016 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. For purposes of MCR 6.502(G)(1), the Court notes that, although the defendant's motion has been styled as a motion for relief from judgment by the courts below, it should not be regarded as a motion for relief from judgment in any future case. The defendant actually filed a motion to correct an invalid sentence under MCR 6.429, which was properly denied by the trial court for lack of merit. It was also untimely. MCR 6.429(B). The application for leave to appeal to the Court of Appeals was properly denied, but due to the lack of merit in the grounds presented, not under the rules of MCR 6.501, *et seq.* The motion for relief is DENIED as moot.



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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.

July 25, 2017

Clerk