

Order

Michigan Supreme Court
Lansing, Michigan

June 27, 2017

Stephen J. Markman,
Chief Justice

154425

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: 154425
COA: 331774
Macomb CC: 2009-005130-FC;
2009-005132-FC;
2009-005135-FC

DUNCAN LORENZO ALEXANDER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 25, 2016 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the December 17, 2015 opinion and order of the Macomb Circuit Court, which denied relief from judgment under MCR 6.502(G), and we REMAND this case to the circuit court for reconsideration. The defendant's motion for a new trial and DNA testing sought relief under MCL 770.16 rather than under MCR 6.508(D). Moreover, the motion was filed with regard to case 2009-005130-FC only, as shown on the circuit court's March 2, 2015 opinion and order denying relief. Under the circumstances, the defendant's subsequent motion for relief from judgment, filed with regard to cases 2009-005130-FC, 2009-005132-FC, and 2009-005135-FC, is not barred by MCR 6.502(G). On remand, the trial court shall review the defendant's motion for relief from judgment under the standard set forth in MCR 6.508(D).

We do not retain jurisdiction.

WILDER, J., did not participate because he was on the Court of Appeals panel.



d0619t

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.

June 27, 2017

Clerk