

Order

Michigan Supreme Court
Lansing, Michigan

March 28, 2018

Stephen J. Markman,
Chief Justice

155518

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 155518
COA: 336572
Wayne CC: 12-007031-FC

CHARLES ROBERT TAYLOR,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 7, 2017 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 Court of Appeals March 7, 2017 order of dismissal and we REMAND this case to that court for reconsideration of the defendant's delayed application for leave to appeal. On remand, while retaining jurisdiction, the Court of Appeals shall REMAND this case to the Wayne Circuit Court for further proceedings. We note that the circuit court record is incomplete and in disarray. First, the file contains the defendant's timely submitted motion for rehearing of the circuit court's February 9, 2016 order denying the defendant's first motion for judgment relief under MCR subchapter 6.500, but there is no order resolving the motion for rehearing. Second, the file contains the defendant's timely submitted motion for reconsideration of the court's April 26, 2016 order denying the defendant's successive motion for relief from judgment, but there is no order resolving the motion for reconsideration. It appears that as a result of these errors by the circuit court, the Court of Appeals erred in dismissing as untimely filed the defendant's delayed application for leave to appeal from the Wayne Circuit Court's February 9 and April 26, 2016 orders. See MCR 7.205(G)(3)(b). On remand, the Wayne Circuit Court shall resolve the defendant's motions, and forward copies of those orders to the parties and the Court of Appeals, which shall then reconsider the defendant's delayed application for leave to appeal.

We do not retain jurisdiction.



s0321

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.

March 28, 2018

Clerk