

Order

Michigan Supreme Court
Lansing, Michigan

April 4, 2018

Stephen J. Markman,
Chief Justice

156327 & (11)

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: 156327
COA: 338274
Wayne CC: 13-001382-FC

ANNIE MARIE HUMPHRIES,
Defendant-Appellant.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the July 21, 2017 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court. For purposes of MCR 6.502(G)(1), the Court notes that, although the defendant's writ of coram nobis has been styled 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. Nevertheless, the trial court did not err in denying the defendant's writ of coram nobis because the writ was not sought under subchapter 6.500 of the Michigan Court Rules. MCR 6.501 provides that "a judgment of conviction and sentence entered by the circuit court not subject to appellate review under subchapters 7.200 or 7.300 may be reviewed only in accordance with the provisions of this subchapter." Defendant's direct appeal has already concluded and the instant motion challenges the validity of her judgment of conviction, and therefore, the trial court did not err in denying the motion for failing to be brought under the proper rules. Accordingly, the application for leave to appeal to the Court of Appeals was properly denied, not under the rules of MCR 6.501 *et seq.* (because the motion was not brought under subchapter 6.500), but, rather, due to lack of merit in the grounds presented.



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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.

April 4, 2018

Clerk