Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V DONALD ALLEN LUCAS

Docket No. 369486

LC No. 95-018650-FH

James Robert Redford
Presiding Judge

Randy J. Wallace

Andrew J. Lievense
Judges

Defendant appeals by leave granted a December 12, 2023 order denying his motion for relief from judgment. We remanded for the appointment of appellate counsel per order dated August 14, 2024. Briefs were submitted and defendant's counsel waived oral argument scheduled for June 6, 2026.

Defendant's appeal primarily concerns the constitutionality of his placement on Michigan's sex offender registry. Since the December 12, 2023 order was issued, both this Court and our Supreme Court have released at least three precedentially-binding opinions: *People v Shannon*, ___ Mich App ___; ___ NW3d ___ (2026) (Docket No. 371910); *People v Kardasz*, ___ Mich ___; ___ NW3d ___ (2025) (Docket No. 165008); and *People v Kiczenski*, ___ Mich App ___; ___ NW3d ___ (2024) (Docket No. 364957). We decline to usurp the trial court's function of evaluating the merits of defendant's motion in the first instance in light of the guidance provided by *Shannon*, *Kardasz*, and *Kiczenski*. Accordingly, in lieu of issuing an opinion and order in this matter, the December 12, 2023 order is VACATED. MCR 7.216(C)(7). This matter is REMANDED to the Ottawa Circuit Court to reconsider and redetermine the merits of defendant's constitutional and other claims in light of these new cases. On remand, the trial court shall allow the parties to file supplemental briefs addressing the application of *Shannon*, *Kardasz*, and *Kiczenski* to the facts of this case.

We do not retain jurisdiction. This order has immediate effect. MCR 7.215(F)(2). The party aggrieved by the order entered on remand may initiate a new appeal by application.

Presiding Judge

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

June 15, 2026
Date

Chief Clerk