Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V DIONTE ODELL LAVINGTON

Docket No. 379790

LC No. 17-006791-01-FC

Allie Greenleaf Maldonado
Presiding Judge

Christopher M. Trebilcock

Mariam S. Bazzi
Judges

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal is DENIED because defendant has failed to establish that the trial court erred in denying the motion for relief from judgment. The trial court was sitting as the fact finder. One of its tasks in that role is to evaluate the credibility of witnesses. Defendant chose to be a witness. The trial court quite reasonably commented on his demeanor and overall credibility. *People v Parkinson*, 348 Mich App 565, 574; 19 NW3d 174 (2023) (this Court does not interfere with the fact-finder's credibility determinations after a bench trial). To the extent the delayed application also includes requests to remand for an evidentiary hearing and to appoint counsel, those requests, which should have been filed as separate motions, are DENIED.

Presiding Judge

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

May 8, 2026
Date

Chief Clerk