Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V TARANADA CARSON JR

Docket No. 379050

LC No. 14-005836-01-FC

Brock A. Swartzle
Presiding Judge

Thomas C. Cameron

Christopher M. Trebilcock
Judges

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

The motion to appoint counsel is DENIED.

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. We note that the trial court's order describes defendant's motion as a successive motion, and indicates that defendant's first such motion was denied on August 12, 2019. This Court directed that the motion denied in the August 19, 2019 order not be deemed a motion for relief from judgment in any future case. *People v Carson Jr*, unpublished order of the Court of Appeals, entered April 8, 2020 (Docket No. 352584). The order appealed in the present application was not a successive motion for relief from judgment; rather, it is properly considered defendant's first such motion, subject to the provisions of MCR 6.508(D). That said, the trial court's order actually adjudicated the motion under MCR 6.508(D)(3). And, as the trial court explained, defendant failed to demonstrate good cause or actual prejudice. The trial court thus correctly denied the motion for relief from judgment. Any error in the trial court's description of the motion was harmless.

Brock A. Swartzle
Presiding Judge

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

April 30, 2026
Date

Jerome W. Zimmer Jr.
Chief Clerk