Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V SYLVESTER DEWAN NORTH

Docket No. 378471

LC No. 04-007354-01-FC

Sima G. Patel
Presiding Judge

Allie Greenleaf Maldonado

Adrienne N. Young
Judges

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

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, we VACATE the trial court's October 6, 2025 order and REMAND this matter to that court for further proceedings consistent with this order.

In ruling as it did, the trial court reasoned, in part, as follows: "Whereas *this court finds* the affidavit information submitted by Affiants Walker and Landers to be incredulous given the fact that they were proffered over 20 years after the crime occurred, the information contained therein is highly suspect and not worthy of belief." (Emphasis added.) In other words, the trial court again relied on its own unilateral credibility determinations concerning defendant's new affiants, thereby repeating one of the errors that this Court had specifically instructed it to remedy on remand. See *People v North*, unpublished order of the Court of Appeals, entered July 18, 2025 (Docket No. 374821). By failing to strictly abide by this Court's remand instructions, the trial court erred. See, e.g., *People v Blue*, 178 Mich App 537, 539; 444 NW2d 226 (1989). On remand, it should again reexamine this matter, this time doing so in compliance with both this order and our July 18, 2025 order in Docket No. 374821.

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.

Presiding Judge

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

March 19, 2026
Date

Chief Clerk