Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V RAYMOND GRANT

Docket No. 378351

LC No. 82-002924-01-FC

Daniel S. Korobkin
Presiding Judge

Michael F. Gadola

Christopher P. Yates
Judges

The motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, we VACATE the trial court's October 31, 2025 order and REMAND this matter to that court for further proceedings consistent with this order. Given the procedural stance of this case, the trial court erred by granting defendant relief from judgment, in the form of resentencing, while simultaneously refusing to recharacterize his motion as one seeking relief from judgment under MCR subchapter 6.500. See MCR 6.501; MCR 6.429(A) & (B)(4); *People v Leigh*, 505 Mich 978 (2020); *People v Barner*, 500 Mich 1057 (2017). See also *People v Green*, unpublished order of the Court of Appeals, entered December 3, 2025 (Docket No. 376685) (holding that the defendant in that case had "satisfie[d] the requirements for relief *under MCR 6.508(D)*") (emphasis added). On remand, the trial court should vacate any orders or judgments that it may have entered as a result of its October 31, 2025 order granting resentencing. Then, similar to the procedure contemplated in MCR 6.502(D), the trial court should afford defendant 90 days to decide whether to consent to having the disputed motion recharacterized as a motion for relief from judgment before it is ruled upon, to instead amend that motion, or to withdraw it altogether.

In light of the foregoing, the motion for stay pending appeal is DENIED as moot.

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

Daniel S. Korobkin
Presiding Judge

Korobkin, J. (*concurring*).

Under our court rules, a decision to grant peremptory relief must be unanimous. MCR 7.211(C)(4). With the understanding that a nonunanimous resolution could cause a significant delay in further proceedings in the trial court, and that such delay would not be in the public interest, I concur in the relief provided by this order. In my view, the fact that the trial court's orders are vacated for the reasons stated should not be interpreted as implying that defendant should not receive a prompt resentencing as the trial

court had intended. To the contrary, there appears to be no question that defendant satisfies the requirements for relief under MCR 6.508(D), see *People v Eads*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (Docket No. 357332); slip op at 5, lv gtd ___ Mich ___; 25 NW3d 118 (2025), and that *Eads* is binding precedent notwithstanding the fact that the Supreme Court has granted leave to appeal, see MCR 7.215(C)(2). Therefore, assuming defendant consents, the trial court may "treat the defendant's motion for resentence as a motion for relief from judgment under MCR 6.508(D)" and "grant relief in the form of an order vacating the defendant's . . . sentence and resentencing [him] . . . ." *People v Jimenez*, 465 Mich 871 (2001); see also *Green*, unpub order, *supra*.

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

December 15, 2025
Date

Chief Clerk