Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V DAMON EARL HOUSTON

Docket No. 377658

LC No. 15-005480-01-FC

Christopher M. Murray
Presiding Judge

Kristina Robinson Garrett

Kathleen A. Feeney
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, the trial court's August 7, 2025 order is VACATED, and the matter REMANDED for further proceedings consistent with this order. In this matter, the trial court decided defendant's motion for relief from judgment at a hearing held on August 7, 2025. While we express no opinion on the merits of the motion for relief from judgment, there were two procedural errors. First, the trial court denied the motion without explaining its reasoning, either at the hearing or in a subsequent written order. Summarily denying a motion for relief from judgment does not satisfy the requirement of MCR 6.504(B)(2) that the trial court provide concise reasons for the denial. *People v Kuzma*, 508 Mich 912 (2021); *People v Finnie*, 504 Mich 968 (2019). Second, pursuant to MCR 6.505(A), "Counsel must be appointed if the court directs that oral argument or an evidentiary hearing be held." In this matter, the trial court held a hearing and heard oral argument on the motion, but defendant was unrepresented; he appeared *in propria persona*. That plainly violates MCR 6.505(A). On remand, the trial court must reconsider the motion and in doing so, comply with the applicable court rules.

The motion to remand is DENIED, but without prejudice to the trial court directing that an evidentiary hearing be held should it determine that one is necessary to resolve the matter on remand. See MCR 6.508(C).

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

December 4, 2025
Date

Chief Clerk