Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V DARIUS DAVION RUSH

Docket No. 380477

LC No. 12-001081-01-FC

Kathleen A. Feeney
Presiding Judge

Stephen L. Borrello

Sima G. Patel
Judges

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

The application for leave to appeal is DENIED. Defendant previously filed a motion for relief from judgment under subchapter 6.500 of the Court Rules, which was denied in 2019. Defendant then filed the present motion for relief from judgment, but in an apparent effort to avoid the limitations of MCR 6.502(G), asserted it was filed under MCR 2.612. The trial court appropriately construed the motion as a successive motion for relief from judgment subject to the provisions of subchapter 6.500 of the Court Rules. That is because the procedures of subchapter 6.500 of the Court Rules are the *exclusive* means for a defendant to challenge his or her judgment of sentence after exhausting the ordinary appellate process. MCR 6.501; *People v McSwain*, 259 Mich App 654, 678; 676 NW2d 236 (2003).

The motion to remand for an evidentiary hearing is DENIED.

Kathleen A. Feeney
Presiding Judge

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

June 26, 2026
Date

Jerome W. Zimmer Jr.
Chief Clerk