Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V ROBERT JAMAR HALL

Docket No. 378564

LC No. 11-000473-01-FC

Kathleen A. Feeney
Presiding Judge

Stephen L. Borrello

Sima G. Patel
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, we VACATE the trial court's September 30, 2025 order and REMAND this matter to that court for further proceedings consistent with this order. Under the circumstances at bar, the trial court abused its discretion by failing to afford defendant an evidentiary hearing concerning the several grounds for relief raised in his motion for relief from judgment. The trial court's error in that regard seems to have been attributable, at least in part, to the court's failure to recognize that even if Hombre Foster's affidavit testimony recounts hearsay statements by Hudson that would be inadmissible as *substantive* evidence, Foster's testimony might nevertheless be admissible as pure *impeachment* evidence on retrial. See MRE 613(b); *People v Kilbourn*, 454 Mich 677, 682; 563 NW2d 669 (1997); *People v Steele*, 283 Mich App 472, 487; 769 NW2d 256 (2009). On remand, the trial court should afford defendant an evidentiary hearing, then reconsider this matter on the merits, permitting any supplemental briefing or additional proceedings that the court, in its sound discretion, deems advisable.

In light of the foregoing, the motion to remand is DENIED as moot.

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

Kathleen A. Feeney
Presiding Judge

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

July 6, 2026
Date

Jerome W. Zimmer Jr.
Chief Clerk