Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V DONALD LEE KISSNER

Docket No. 381475

LC Nos. 20-005314-FC; 21-005692-FH

Michael J. Kelly
Presiding Judge

Michael F. Gadola

Daniel S. Korobkin
Judges

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

Pursuant to MCR 7.211(C)(4) and MCR 7.205(E)(2), and in lieu of granting the application for leave to appeal, we VACATE the June 3, 2026 order of the circuit court and REMAND for the circuit court to reconsider defendant's motion for relief from judgment in light of our Supreme Court's decision in *People v Madison*, __ Mich __; __ NW3d __ (2026) (Docket No. 167120). In doing so, the court should decide, in the first instance, whether the decision in *Madison* applies retroactively to cases on collateral review.

Both motions to remand are DENIED as moot in light of the outcome of this application. The denial is without prejudice to the circuit court holding an evidentiary hearing if it determines that one is necessary on remand.

The motion for the appointment of counsel is DENIED without prejudice to the circuit court entertaining such a motion on remand, if warranted.

The motion for peremptory reversal is DENIED in light of the outcome of the application.

The circuit court shall hear and decide this matter within 56 days of the Clerk's certification of this order. We do not retain jurisdiction.

Presiding Judge

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

November 16, 2026
Date

Chief Clerk