

MICHIGAN SUPREME COURT

People of Michigan v. Michael Anthony Giuchici

No. SC: 156966, Michigan Supreme Court (October 30, 2018)

SUMMARY

Michigan Supreme Court denied leave to appeal, clarifying that a defendant's motion styled as a motion for relief from judgment under MCR subchapter 6.500 should not be treated as a "motion for relief from judgment" for purposes of the serial petition bar in MCR 6.502(G)(1) in any future case. The Court held that the motion was properly considered under MCR 2.612 (relief from judgment based on mistake, inadvertence, fraud, etc.) and was denied on the merits, not under the procedural rules of MCR 6.501 et seq. This ruling addresses the proper classification of post-judgment motions and the distinction between civil and criminal procedural rules for relief from judgment.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Stephen J. Markman; Brian K. Zahra; Bridget M. McCormack; David F. Viviano; Richard H. Bernstein; Kurtis T. Wilder; Elizabeth T. Clement
JURISDICTION	Michigan
DECIDED	October 30, 2018
DOCKET	SC: 156966
DISPOSITION	denied
PROCEDURAL POSTURE	Application for leave to appeal from the Court of Appeals order of November 15, 2017.
STANDARD OF REVIEW	Not explicitly stated; the court denied leave because not persuaded that the questions presented should be reviewed.
PRECEDENTIAL VALUE	published
PARTIES	Michael Anthony Giuchici v. People of the State of Michigan

TOPICS

- criminal procedure
- appellate procedure
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court erred in denying the defendant's motion for relief from judgment
2. Whether the motion should be classified under MCR 2.612 or MCR 6.500

KEY QUOTATIONS

“The Court notes that, although the defendant’s motion has been styled as a motion for relief from judgment under subchapter 6.500 by the Lapeer Circuit Court, it should not be regarded as a motion for relief from judgment for purposes of MCR 6.502(G)(1) in any future case. The defendant actually filed a motion under MCR 2.612, which was properly denied by the trial court, but due to a lack of merit, and not under the rules of MCR 6.501, et seq.” (order)

FACTUAL BACKGROUND

The defendant filed a motion styled as a motion for relief from judgment under subchapter 6.500 in the Lapeer Circuit Court. The trial court denied the motion, and the Court of Appeals denied leave to appeal. The defendant then applied to the Michigan Supreme Court for leave to appeal.

PROCEDURAL HISTORY

The defendant filed a motion for relief from judgment in the Lapeer Circuit Court, which was treated as a motion under MCR 2.612 and denied. The Court of Appeals denied leave to appeal. The Michigan Supreme Court considered the application and denied it.

DISPOSITION

denied

OPINION**PER CURIAM.**

Order Michigan Supreme Court Lansing, Michigan October 30, 2018 Stephen J. Markman, Chief Justice 156966 Brian K. Zahra Bridget M. McCormack David F. Viviano Richard H. Bernstein Kurtis T. Wilder PEOPLE OF THE STATE OF MICHIGAN, Elizabeth T. Clement, Plaintiff-Appellee, Justices v SC: 156966 COA: 339041 Lapeer CC: 79-001927-FY MICHAEL ANTHONY GIUCHICI, Defendant-Appellant. _____/ On order of the Court, the application for leave to appeal the November 15, 2017 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

The Court notes that, although the defendant's motion has been styled as a motion for relief from judgment under subchapter 6.500 by the Lapeer Circuit Court, it should not be regarded as a motion for relief from judgment for purposes of MCR 6.502(G)(1) in any future case.

The defendant actually filed a motion under MCR 2.612, which was properly denied by the trial court, but due to a lack of merit, and not under the rules of MCR 6.501, et seq. I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court. October 30, 2018 a1022 Clerk