

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.

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