

# Order

Michigan Supreme Court  
Lansing, Michigan

April 29, 2020

Bridget M. McCormack,  
Chief Justice

160499

David F. Viviano,  
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

v

SC: 160499  
COA: 348912  
Eaton CC: 2003-020142-FH

MARCUS DEANGELO SUTTLES,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the September 10, 2019 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the October 8, 2018 order of the Eaton Circuit Court denying the defendant's motion for relief from judgment, and we REMAND this case to the trial court for reconsideration of the defendant's motion. The trial court's stated bases for denying the motion were that the motion was "untimely," and "defendant has been released from prison and/or parole has been terminated, therefore this matter is moot." MCR 6.502 does not contain a deadline by which motions for relief from judgment must be filed. Further, the prosecuting attorney concedes there is not a basis for finding that the defendant's motion is moot.

We do not retain jurisdiction.



a0420

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.

April 29, 2020

Clerk