

Order

Michigan Supreme Court
Lansing, Michigan

June 1, 2021

Bridget M. McCormack,
Chief Justice

161866

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 161866
COA: 353356
Jackson CC: 03-004124-FC

ANTHONY WAYNE HUBBARD,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 29, 2020 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 June 29, 2020 order of the Court of Appeals and REMAND this case to the Jackson Circuit Court for reconsideration of the defendant's motion for relief from judgment. The circuit court erred in applying *People v Cress*, 468 Mich 678 (2003), to an analysis of whether the defendant's motion was successive under MCR 6.502(G). See *People v Swain*, 499 Mich 920 (2016). *Cress* does not apply to the procedural threshold of MCR 6.502(G)(2), as the plain text of the court rule does not require that a defendant satisfy all elements of the test.



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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.

June 1, 2021

Clerk