

Order

Michigan Supreme Court
Lansing, Michigan

January 4, 2022

Bridget M. McCormack,
Chief Justice

163035

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: 163035
COA: 356250
Wayne CC: 04-001402-FC

DEMETRIUS D. HARDRICK,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 26, 2021 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 December 3, 2020 order of the Wayne Circuit Court and REMAND this case to that court for reconsideration of the defendant's motion for relief from judgment. The circuit court erred in failing to analyze the newly discovered evidence in terms of "whether a *reasonable juror* could find the testimony credible on retrial." *People v Johnson*, 502 Mich 541, 567 (2018). On remand, the circuit court shall answer that question and shall "consider the impact of that testimony in conjunction with the evidence that would be presented on retrial" in deciding whether to grant the motion. *Id.* at 571. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.

ZAHRA, J., would deny leave to appeal.



a1220

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.

January 4, 2022

Clerk