

Court of Appeals, State of Michigan

ORDER

People of MI v Lonzo Bonner

Docket No. 338910

LC No. 95-006374-01-FC

Karen M. Fort Hood
Presiding Judge

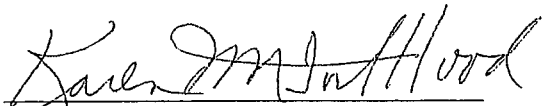
Kirsten Frank Kelly

Cynthia Diane Stephens
Judges

The Court orders that the motion to waive fees is GRANTED, and fees are WAIVED for this case only.

The delayed application for leave to appeal is DISMISSED. Appellant has failed to demonstrate his entitlement to an application of any of the exceptions to the general rule that a movant may not appeal the denial of a successive motion for relief from judgment. MCR 6.502(G).

The motion for an evidentiary hearing is DENIED.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

OCT 26 2017

Date


Chief Clerk

Appendix 1

STATE OF MICHIGAN
THIRD CIRCUIT COURT
CRIMINAL DIVISION

PEOPLE OF THE STATE OF MICHIGAN
Plaintiff,

v

Hon. Margaret M. Van Houten
Case No: 95-006374-01-FC

LONZO BONNER,
Defendant.

OPINION and ORDER

At a session of Court held at the Frank Murphy Hall of
Justice in the City of Detroit, Wayne County, Michigan,

On: MAR 09 2017

Present: Hon. Margaret M. Van Houten
Circuit Court Judge

Defendant was found guilty following a lengthy jury trial¹ of three counts of first-degree murder (MCL 750.316), eight counts of assault with intent to murder (MCL 750.83) and one count of weapons – felony firearm (MCL 750.227(b)). Defendant was sentenced on February 28, 1996 to life imprisonment without parole on the murder counts, 25 to 49 years, 5 months' imprisonment on the assault counts, both consecutive to 2 years on the felony firearm conviction. The Michigan Court of Appeals affirmed defendant's conviction and sentence. *People v. Lonzo Bonner*, unpublished opinion per curiam of the Michigan Court of Appeals, issued September 2, 1997 (Docket No. 195213). The Michigan Supreme Court denied leave to appeal. *People v. Lonzo Bonner*, order of the Supreme Court, issued August 28, 1998 (Docket No. 110749).

¹ Testimony was taken from nearly 30 witnesses.

Defendant also sought a writ of habeas corpus through federal court, which was also denied. Subsequently, he filed a motion for relief from judgment pursuant to MCR 6.500 et seq., which was denied on April 22, 2009. The Court of Appeals denied defendant's delayed application for leave to appeal the trial court order denying his motion. *People v. Lonzo Bonner*, order of the Court of Appeals, issued October 11, 2010 (Docket No. 297248), *lv den*, issued April 25, 2011 (Docket No. 142109). He now brings before the Court a successive motion for relief from judgment.

As this is not defendant's first motion for relief from judgment, Michigan Court Rule 6.502(G), which governs successive motions for relief from judgment, applies:


- (1) Except as provided in subrule (G)(2), regardless of whether a defendant has previously filed a motion for relief from judgment, after August 1, 1995, one and only one motion for relief from judgment may be filed with regard to a conviction.
- (2) A defendant may file a second or subsequent motion based on a retroactive change in law that occurred after the first motion for relief from judgment or a claim of new evidence that was not discovered before the first such motion.

Upon review of said motion, defendant has failed to bring to the court's attention either newly discovered evidence or a retroactive change in the law that would entitle him to relief. Thus, pursuant to MCR 6.502(G)(1) and (2), defendant's motion must fail as a matter of law.

For the reasons stated above, that defendant's motion for relief from judgment is hereby **DENIED**. Furthermore, pursuant to MCR 6.508(B), an evidentiary hearing is not necessary and said motion is therefore **DENIED**. IT IS SO ORDERED.

MAR 09 2017

Date


Hon. Margaret M. Van Houten
Circuit Court Judge

Order

Michigan Supreme Court
Lansing, Michigan

July 27, 2018

Stephen J. Markman,
Chief Justice

156936

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 156936
COA: 338910
Wayne CC: 95-006374-FC

LONZO BONNER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the October 26, 2017 order of the Court of Appeals is considered, and it is DENIED, because the defendant has failed to meet the burden of establishing entitlement to relief under MCR 6.508(D).



p0723

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.

July 27, 2018

Clerk

Appendix 3

**Additional material
from this filing is
available in the
Clerk's Office.**