

# APPENDIX - A

Copy of "GROUND 2" - public-trial-violation claim raised in the trial court in a post-conviction motion for relief from judgment, presented to the state courts (9 pgs).

GROUND 2

MR. DILTS WAS DEPRIVED OF HIS SIXTH AMENDMENT RIGHT TO A PUBLIC TRIAL, WHEN THE COURTROOM WAS CLOSED TO THE PUBLIC FOR THE TESTIMONY OF FIVE PROSECUTION WITNESSES, AND WHEN THE COURTROOM WAS CLOSED TO THE PUBLIC WHILE THE COURT ADMONISHED A DEFENSE WITNESS.

The Sixth Amendment speaks in unqualified terms and provides that in "all criminal prosecutions, the accused shall enjoy the right to a ... and public trial." US Const Am VI. While the United States Supreme Court has held that the right of access to a criminal trial is "not absolute," *Globe Newspaper Co v Superior Court for Norfolk County*, 457 US 596, 606, 102 S Ct 2613, 73 L Ed 2d 248 (1982), the Court has never actually upheld the closure of the courtroom during a criminal trial or any part of it, or approved a decision to allow witnesses in such a trial to testify outside the public eye.

The right to a public trial has long been viewed as "a safeguard against any attempt to employ our courts as instruments of persecution." *In re Oliver*, 333 US 257, 270, 68 S Ct 499, 92 L Ed 2d 682 (1948). Even the Elizabethan Star Chamber was open to the public. 5 William Holdsworth, *A History of English Law* 156 (3d ed 1973). "Public scrutiny of a criminal trial enhances the quality and safeguards the integrity of the factfinding process, with benefits to both the defendant and to society as a whole." *Globe Newspaper*, 457 US at 606. An open trial assures that the proceedings are conducted fairly and discourages perjury, misconduct, and decisions based on partiality or bias. *Richmond Newspapers, Inc v Virginia*, 448 US 555, 569, 100 S Ct 2814, 65 L Ed 2d 973 (1980).

The Supreme Court has emphasized the importance of the public trial guarantee:

The requirement of a public trial is for the benefit of the accused; that the public may see he is fairly dealt with and not unjustly condemned and that the presence of interested spectators may keep his triers keenly alive to a sense of their responsibility and to the importance of their functions...

Waller v Georgia, 467 US 39, 46, 104 S Ct 2210, 81 L Ed 2d 31 (1984). There is a strong presumption in favor of a public trial, grounded in the belief that it is critical to affording an accused a fair trial, as "'judges, lawyers, witnesses, and jurors will perform their respective functions more responsibly in an open court than in secret proceedings.'" Waller, 467 US at 46 n4 (quoting Estes v Texas, 381 US 532, 588, 85 S Ct 1628, 14 L Ed 2d 543 (1965)).

On the first day of Mr. Dilts' trial, prior to the entrance of prospective jurors for jury selection, the trial judge provided the parties with an opportunity to address any matters of concern. At that time the prosecution raised the possibility of the necessity to have the courtroom closed to the public. The trial judge asked, "Any other matters we need to address?" At that time, the prosecutor said, "I have nothing right at this moment other than possibly, if necessary, during the victim's testimony we could close the courtroom." The prosecutor did not say [w]hy it may be "necessary" to close the courtroom, nor did he say [w]ho it was exactly that the courtroom was to be closed to. The prosecutor presented no witness or any other type of evidence to support a need for a courtroom closure in this case. He gave no reason for even suggesting that such drastic measures be taken. Rather than have the prosecutor articulate the reasoning behind the suggestion to close the courtroom," the trial judge simply responded with a, "I think that's wise." (in it's entirety at TTp 10 Ln 13-21).

After selecting a jury, and outside the presence of the jurors, the trial judge gave the parties another opportunity to address any matters of concern. This time, the prosecutor asked to have the courtroom closed during Lyndsay Dilts' testimony. He said, "She has asked that the courtroom be closed during her testimony." The prosecutor presented no evidence to support the need for a closure order. This time, the trial judge responded with a, "Okay." (TTp 152 Ln 22 - TTp 153 Ln 10). The jury was brought into the courtroom, jury instructions were given, both defense counsel and the prosecutor gave their opening statements, and then the prosecutor called Lyndsay Dilts to the stand where the following took place:

THE COURT: Thank you. Mr. Dewane, your first witness.

MR. DEWANE (prosecutor): The people call Lyndsay Dilts to the stand.

THE COURT: Counsel, in regard to this testimony will the courtroom be closed?

MR. DEWANE: Please.

THE COURT: All right. I would ask all unnecessary parties to leave the courtroom. The courtroom will be closed.

(TTp 185 Ln 12-21). The trial judge gave no reason for the decision to exclude "all" members of the public from Mr. Dilts' trial. Not only did Mr. Dilts have a right to a public trial under the Sixth Amendment, but members of the public had a right of access to the proceedings under the First Amendment. Neither of those rights were considered here. The ultimate responsibility of avoiding the appearance that our nation's courtroom's are closed or inaccessible to the public lies with the judge, and the trial judge in this case had the responsibility of ensuring openness, and above all, preserving Mr. Dilts' Constitutional right to a public trial.

Mr. Dilts submits that: 1) closing the courtroom to the public for Lyndsay Dilts' testimony was the beginning of the trial judge's continued exclusion of the public from his trial, 2) the trial judge in this case maintained a system of closure/secrecy in such a way never before seen in any criminal trial in this country, and 3) the trial judge in this case maintained a system of secrecy in order to be free of the safeguards of the public's scrutiny.

On the first day of Mr. Dilts' trial (Tuesday, March 23, 2010), Lyndsay Dilts was the only person to testify. Mr. Dilts was incarcerated throughout his entire criminal proceedings. Due to his incarceration, each day of trial, Mr. Dilts was transported to the courthouse and placed into a holding cell. The holding cell was adjacent to a side entrance leading into the courtroom, away from the main entrance used by members of the general public. On the first day of his trial, when Mr. Dilts was brought into the courtroom that morning, he immediately noticed the presence of, his wife, his children, his parents, his siblings, and some other people whom he did not recognize. Clearly, members of the general public were allowed to enter the courtroom that morning (prior to the closure order). The second day of Mr. Dilts' trial, however, was a completely different experience.

On the second day of his trial (Thursday, March 25, 2010), when Mr. Dilts was brought into the courtroom that morning, he immediately noticed that the only person in the audience this time was his wife, Heather Dilts. For some reason, not articulated in the trial record, the courtroom was not opened to the public that morning. The trial judge and the attorneys addressed some trial related matters. When they were

finished with those matters, the prosecutor said

"The last issue, Judge, is on Tuesday you closed the courtroom for Lyndsay Dilts' testimony. Several witnesses that I have outside have indicated to me that Heather Dilts kept looking into the window and peering in and kept looking at my witness. I believe a closed courtroom should be a closed courtroom and I'd ask that you admonish her not to be peeking into the window or anything of that nature."

(TTP 305 Ln 16-23). The prosecutor did not present any of the "Several witnesses" that he had outside, as evidence to support the allegation. The trial judge called Heather Dilts to the podium, placed her under oath, and threatened her with "93 days in jail and/or \$7500 in fines and costs," for "looking in the doors." (TTP 306 Ln 7-TTP 307 Ln 20). The trial judge informed Mrs. Dilts that she needed strict compliance, and Mrs. Dilts acknowledged that she understood. The trial judge reminded Mrs. Dilts that she was still sequestered and asked her to remove herself from the courtroom. The trial judge should have called Lyndsay Dilts to the podium, placed her under oath, and asked her if [she] seen anybody looking at her while she was testifying. Had Lyndsay Dilts said "No," the matter would have been moot. While admonishing Heather Dilts, the trial judge told her:

"Ma'am, it's very important that we have clean testimony without outside influences. I don't want you looking in the doors when any of the children or anybody else is testifying. And I know it's a natural urge to see what's going on here, but what I'm going to do at this point to ensure that is simply ask my staff to block off the windows when we have closed hearings so you and others are not attempted."

(TTP 306 Ln 25 - TTP 307 Ln 8). But something that simple, did not happen. While Heather Dilts was walking out of the courtroom, the trial judge asked the prosecutor, "Are we having another child testify?" The prosecutor informed the trial judge that he was "calling Alisha Castilla," "She's age 14," and "She's asked that the courtroom be closed." The prosecutor presented no evidence to support the need to

have the courtroom closed to the public during Alisha Castilla's testimony. To the prosecutor's statement that "Alisha Castilla has asked that the courtroom be closed," the trial judge responded with:

THE COURT: Before the jury comes in, I'm going to ask my law clerk to get some colored paper, tape it together, close the windows with tape, and ask the judicial assistant to put a closed sign -- to make a closed sign so we can tape that outside as well. It will just take a moment, and then when you are finished with that, if you could bring in the jurors."

(TTp 308 Ln 2-19). As they were instructed to do so, the courts clerks taped paper to the inside of the windows in the main entry doors. They also made a "CLOSED" sign, and taped that to the outside of the courtroom doors. Because "another child" was going to testify, Mr. Dilts' trial proceedings were sealed off from the rest of the world. After the trial judge and the attorney's addressed some other trial related matters, and when the courts clerks were finished, the jurors were brought into the courtroom. (TTp 313 Ln 9). The record lacks any evidence as to why the courtroom has not been opened to the public. The public still has not been allowed to enter the courtroom that morning.

While the courtroom remained closed to the public, Alisha Castilla was called to the stand, placed under oath, and testified (TTp 313 Ln 12-18). It was completely unnecessary to have the courtroom closed to the public during Lyndsay Dilts' testimony. It was completely unnecessary to have the courtroom closed to the public while Heather Dilts was admonished. And it was also completely unnecessary to have the courtroom closed to the public during Alisha Castilla's testimony. At the conclusion of her testimony, Alisha Castilla was excused and the prosecutor called Alexis Castilla to the stand. At that time, the trial judge asked the prosecutor, "Counsel, the courtroom will remain closed?" To that, the prosecutor responded with, "Please." (TTp 382 Ln 19-25). Alexis Castilla was placed under oath, and she also testified

while the courtroom was closed to the public. No evidence was presented, showing the need to have the courtroom closed to the public during Alexis Castilla's testimony. The closure was completely unnecessary. At the conclusion of her testimony, Alexis Castilla was excused and the prosecutor called Jennifer Ross to the stand. Only, this time, there was no question from the bench as to whether the prosecutor wanted the courtroom closed. When Alexis Castilla was excused, the prosecutor called Jennifer Ross to the stand, she was placed under oath, and the prosecutor immediately began his questioning (TTp 435 Ln 4 - TTp 438 Ln 8). No evidence was presented, showing the need to have the courtroom closed to the public during Jennifer Ross' testimony. It was completely unnecessary to have the courtroom closed to the public during her testimony. There is still no evidence in the record as to why the courtroom was not opened to the public that morning, or, why the courtroom has remained closed to the public while all of these witnesses testified. When Jennifer was excused, the prosecutor called Rudy Castilla to the stand. At that time, the trial judge stated, "We are at this time opening the courtroom" (TTp 485 Ln 11-16). There is no evidence that an officer of the court, or any other person, informed the public that the trial judge was finally allowing them to have access to Mr. Dilts' trial. There is also no evidence that the "CLOSED" sign was removed. And, although the trial judge did make the statement that she was "opening the courtroom," there is no evidence that the public was ever aware that the courtroom was actually opened to them.

The courtroom was unjustifiably closed to the public: 1) during the testimony of Lyndsay Dilts, 2) while the Court admonished Heather Dilts, 3) during the testimony of Alisha Castilla, 4) during the testimony of Alexis Castilla, 5) during the testimony of Jennifer Ross, and 6) during the testimony of Rudy Castilla.

1) Closing the courtroom to the public for Lyndsay Dilts' testimony was the beginning of the trial judge's continued exclusion of the public from Mr. Dilts' trial, 2) the trial judge in this case maintained a system of closure/secrecy in such a way never before seen in any criminal trial in this country, and 3) the trial judge in this case maintained a system of secrecy in order to be free of the safeguards of the public's scrutiny.

The actions of the trial judge and the effect they had on the conduct of the trial deprived Mr. Dilts of the protections conferred by the Sixth Amendment. The goals sought by those protections include (1) ensuring a fair trial, (2) reminding the prosecution and court of their responsibility to the accused and the importance of their functions, (3) encouraging witnesses to come forward, and (4) discouraging perjury. Peterson v Williams, 85 F3d 39, 43 (CA 2, 1996), citing Waller, 467 US at 46-47.

The closing of the courtroom to the public during Mr. Dilts' trial was completely unwarranted and amounted to a violation of his Sixth Amendment right to a public trial.

A violation of one's right to a public trial is structural error. See Waller, 467 US at 49; Johnson v United States, 520 US 461, 469, 117 S Ct 1544, 137 L Ed 2d 718 (1997)(citing Waller as one of the "limited class" of cases where structural error is a "defect affecting the framework within which the trial proceeds, rather than simply an error in the trial process itself." Arizona v Fulminante, 499 US 279, 310, 111 S Ct 1246, 113 L Ed 2d 302 (1991). As such, structural errors are not subject to harmless error analysis. See *id.* at 309, 111 S Ct 1246. Therefore, once Mr. Dilts has demonstrated a violation of his Sixth Amendment right to a

public trial, he need not show that the violation prejudiced him in any way. The mere demonstration that his right to a public trial was violated entitles Mr. Dilts to relief. Mr. Dilts has clearly demonstrated a violation of his right to a public trial. Therefore, Mr. Dilts is entitled to a new trial.



# APPENDIX - B

Order dated March 31, 2017, trial court denial of 'GROUND 2'  
and denial of entire motion for relief from judgment (2 pgs).

STATE OF MICHIGAN  
IN THE 30<sup>TH</sup> CIRCUIT COURT FOR THE COUNTY OF INGHAM

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff,

v

WAYLAND LYNN DILTS,

Defendant.

ORDER

**HON. ROSEMARIE E. AQUILINA**

Docket No: 09-1265-FC  
09-1331-FH  
09-1332-FC

Pursuant to MCR 6.508(B), after thorough review of Defendant's Motion and the record, this Court finds that an evidentiary hearing is not required.

At a session of said Court held in the City of Lansing, County of Ingham, State of Michigan, this 31<sup>st</sup> day of March, 2017.

**PRESENT: The Honorable Rosemarie E. Aquilina  
30th Judicial Circuit Court Judge**

This matter is now before this Honorable Court on Wayland Lynn Dilts' ("Defendant") *Motion for Relief of Judgment*, pursuant to MCR 6.501 et seq. This court having received Defendant's Motion, all supporting documents and correspondence, and being fully apprised of the issues, finds the following:

**BACKGROUND FACTS**

On March 29, 2010, a jury convicted Defendant of four counts of first-degree criminal sexual conduct ("CSC-1"), contrary to MCL 750.520b(1)(a), under docket number 09-1265-FC; five counts of CSC-1 and one count of second-degree criminal sexual conduct ("CSC-2"), contrary to MCL 750.520c(1)(a), under docket number 09-1332-FC; and one count of CSC-2 and one count of assault with intent to commit CSC-2, contrary to MCL 750.520g(2), under

docket number 09-1331-FH.<sup>1</sup> On June 30, 2010, Defendant was sentenced to a minimum of 285 months and a maximum of 700 months for the CSC-1 convictions with 274 days credit, to a minimum of 114 months and a maximum of 180 months for the CSC-2 convictions with 274 days credit, and to a minimum of 38 months and a maximum of 60 months for the assault with intent to commit CSC-2 conviction with 274 days credit.<sup>2</sup>

On November 8, 2011, the Michigan Court of Appeals affirmed Defendant's convictions. See *People v Dilts*, Unpublished Opinion Per Curiam of the Michigan Court of Appeals, issued November 8, 2011 (Docket Nos. 299684; 299716; 299717). The Michigan Supreme Court subsequently denied leave to appeal on September 4, 2012.

#### DEFENDANT'S ARGUMENT

Defendant presents eight arguments in support of his Motion. First, Defendant argues that this Court violated his Sixth Amendment right to a public trial when public access was closed during the testimony of witnesses who were minors. Second, Defendant contends that the jury instructions regarding the prosecutor's burden of proof was constitutionally defective. Third, Defendant maintains that his trial counsel was ineffective for failing to object to structural errors at trial. Fourth, Defendant claims that both this Court and the prosecutor exhibited bias and denied him a fair trial when it referred to the complainants as victims. Fifth, Defendant states that his sentence is invalid because he was sentenced on inaccurate information. Sixth, Defendant argues that, pursuant to MCR 2.511(H)(1) and MCR 6.412(F), the jurors were not properly administered their oath at the time they were empaneled. Seventh, Defendant contends that this

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<sup>1</sup> On March 1, 2010, this Court granted Plaintiff's Motion to Consolidate the above-referenced cases.

<sup>2</sup> All sentences were ordered to run concurrent.

Court did not properly instruct the jury that their verdict had to be unanimous. Last, Defendant argues that his appellate counsel was ineffective for failing to raise the preceding issues.

### CONCLUSIONS OF LAW

MCR 6.500 *et seq.* governs motions for relief from judgment. The defendant who files such a motion bears the “burden of establishing entitlement to the relief requested.” MCR 6.508(D). Pursuant MCR 6.504(B)(2), if a court decides that a defendant is not entitled to relief from judgment upon initial consideration, the court must deny the defendant’s motion without ordering further proceedings. Importantly, a court may not grant relief to a defendant if the defendant’s motion for relief from judgment “alleges grounds for relief, other than jurisdictional defects, which could have been raised on appeal from the conviction and sentence or in a prior motion” under subchapter 6.500.” MCR 6.508(D)(3). However, a court may grant relief in the foregoing situation if the defendant demonstrates “(a) good cause for failure to raise such grounds on appeal or in the prior motion, and (b) actual prejudice from the alleged irregularities that support the claim for relief.” MCR 6.508(D)(3)(a),(b). “A court may waive the ‘good cause’ requirement . . . if it concludes that there is a significant possibility that the defendant is innocent of the crime.” MCR 6.503(D)(3)(b). Further, the “good cause” prong is generally “established by proving ineffective assistance of appellate counsel, pursuant to the standard set forth in *Strickland v Washington*, 466 US 668, 104 SCt 2052, 80 Led2d 674 (1984), or by showing that some external factor prevented counsel from previously raising the issue.” *People v Reed*, 449 Mich 375, 378; 535 NW2d 496 (1995). In a conviction following trial, “actual prejudice means . . . but for the alleged error, the defendant would have had a reasonably likely chance of acquittal.” MCR 6.508(D)(3)(b)(i). “Actual prejudice” can also mean that “the irregularity was

so offensive to the maintenance of a sound judicial process that the conviction should not be allowed to stand regardless of its effect on the outcome of the case.” MCR 6.508(D)(3)(b)(iii).

In the case at bar, Defendant’s *Motion for Relief from Judgement* must be denied because Defendant has failed to show good cause and actual prejudice. Also, this Court will not waive the “good cause” requirement for the reason that this Court cannot conclude that there is significant possibility that Defendant is innocent. See MCR 6.508(D)(3). Notably, the Michigan Court of Appeals acknowledged that there was a substantial amount of evidence pointing to Defendant’s guilt produced at trial. See *Dilts, supra* at 8. Regardless of the foregoing, Defendant’s claims simply have no merit.

To start, this Court already ruled on Defendant’s first argument when it denied Defendant’s Motion to Disqualify. See June 10, 2016 Order, p. 6-7. Importantly, this Court noted that, in this case, “public access was limited on certain occasions due to the sensitive nature of the proceedings—sexual offenses involving minors under the age of thirteen.” *Id.* at 7.. This Court fully complied with MCR 8.116(D), which governs when and how a court may limit public access to a proceeding.<sup>3</sup>

Next, contrary to Defendant’s assertions, the instructions regarding the burden of proof and the particular elements to be proven by the prosecution were not constitutionally deficient.

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<sup>3</sup> MCR 8.116(D) states:

- (1) Except as otherwise provided by statute or court rule, a court may not limit access by the public to a court proceeding unless:
  - a. a party has filed a written motion that identifies the specific interest to be protected, or the court *sua sponte* has identified a specific interest to be protected, and the court determines that the interest outweighs the right of access;
  - b. the denial of access is narrowly tailored to accommodate the interest to be protected, and there is no less restrictive means to adequately and effectively protect the interest; and
  - c. the court states on the record the specific reasons for the decision to limit access to the proceeding.

Due to the fact that the above-mentioned docket numbers were consolidated on March 1, 2010, the jury instructions had to be carefully constructed as to incorporate all relevant charges, elements, and law. The instructions properly instructed the jury that to prove each charge, the prosecutor had to prove each element of the charge beyond a reasonable doubt. See Trial Transcript, Volume IV, 860:3-17; 870:10-873:8, March 29, 2010.

Defendant's third and fourth arguments essentially revisit claims already ruled upon by the Michigan Court of Appeals when Defendant appealed his convictions. With regard to the third argument, Defendant has not shown how his trial counsel's performance fell below an objective standard of reasonableness or that the result of his trial would have been different. See *People v Grant*, 470 Mich 477, 485; 684 NW2d 686 (2004). Notably, this Court does not find the alleged errors to be actual errors.

Defendant's fourth argument is without merit because Defendant was not denied a fair trial or an impartial jury. This Court clearly instructed the jury that its comments were not evidence and that any perceived opinion or belief was to be ignored. See March 29, 2010 Trial Transcript, *supra* at 861:17-25; see also *Dilts*, *supra* at 9. This Court also emphasized to the jury that they were the fact-finders and should decide the case from the evidence. See March 29, 2010 Trial Transcript, *supra* at 862:1-2. As held by the Michigan Supreme Court in *People v Graves* and further recognized by the Michigan Court of Appeals while this case was on appeal, “[i]t is well established that jurors are presumed to follow their instructions.” *Dilts*, *supra* at 9 (quoting *People v Graves*, 458 Mich 476, 486; 581 NW2d 229 (1998)).

In Defendant's fifth argument, Defendant contends that his sentence is invalid because this Court improperly scored PRV 2 (Number of Prior Low Severity Convictions) at 30 points, OV 3 (Degree of Physical Injury Sustained by a Victim) at 5 points, OV 4 (Degree of

Psychological Injury Sustained by a Victim) at 10 points, OV 9 (Number of Victims) at 10 points, OV 10 (Exploitation of a Victim's Vulnerability) at 15 points, and OV 13 (Continuing Pattern of Criminal Behavior) at 50 points. After thorough review, this Court disagrees. There was no misrepresentation of the evidence and each scoring was sufficiently supported by the record. Further, OV 10 and OV 13 were not scored by accident.

Defendant's sixth argument is refuted by the record. The jury was properly administered an oath upon being empaneled. See Trial Transcript, Volume I, 151:11-20, March 23, 2010.

With regard to Defendant's seventh argument, the jury was given the appropriate unanimity instruction as it pertained to the charges against Defendant. See *id.* at 165:25-166:2; see also March 29, 2010 Trial Transcript, *supra* at 865:7-867:19. Further, Defendant has not shown any evidence of juror confusion that would have made the general unanimity instruction insufficient. See *People v Cooks*, 446 Mich 503, 529-30; 521 NW2d 275 (1994).

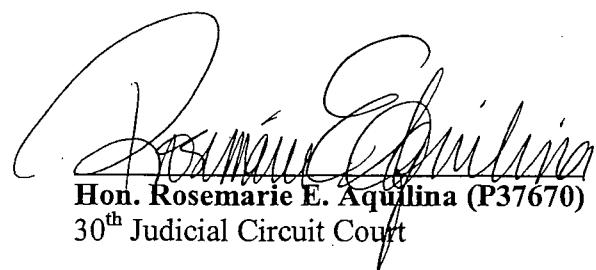
Due to the fact that this Court did not find any of the foregoing claims to be meritorious, Defendant's claim of ineffective assistance of appellate counsel fails. Defendant has not proven that his "appellate counsel's performance fell below an objective standard of reasonableness and was constitutionally deficient." *People v Reed*, 449 Mich 375, 390; 535 NW2d 496 (1995).

**THEREFORE, IT IS ORDERED** that Defendant's *Motion for Relief from Judgment* is hereby **DENIED**.

**FURTHER IT IS ORDERED** that Defendant's request for an evidentiary hearing is hereby **DENIED**.

**FURTHER IT IS ORDERED** that, pursuant to MCR 2.602(A)(3), this Order resolves the last pending claim and closes the case.

**IT IS SO ORDERED.**



Hon. Rosemarie E. Aquilina (P37670)  
30<sup>th</sup> Judicial Circuit Court

# APPENDIX - C

Order dated October 27, 2017, Michigan Court of Appeals,  
leave to appeal denied (1 pg).

Court of Appeals, State of Michigan

**ORDER**

People of MI v Wayland Lynn Dilts

David H. Sawyer  
Presiding Judge

Docket No. 338095

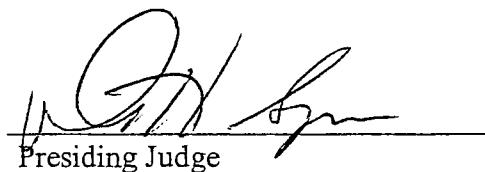
William B. Murphy

LC Nos. 09-001265-FC; 09-001331-FH; 09-001332-FC

Douglas B. Shapiro  
Judges

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

The Court further orders that the delayed application for leave to appeal is DENIED because defendant has failed to establish that the trial court erred in denying the motion for relief from judgment.



Presiding Judge

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



OCT 27 2017

Date



Chief Clerk

# APPENDIX - D

Order dated July 3, 2018, Michigan Supreme Court, leave to appeal denied (1 pg).

# Order

Michigan Supreme Court  
Lansing, Michigan

July 3, 2018

Stephen J. Markman,  
Chief Justice

156767

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

WAYLAND LYNN DILTS,  
Defendant-Appellant.

SC: 156767  
COA: 338095  
Ingham CC: 09-001265-FC  
09-001331-FH  
09-001332-FC

On order of the Court, the application for leave to appeal the October 27, 2017 order of the Court of Appeals is considered, and it is DENIED, because the defendant's motion for relief from judgment is prohibited by MCR 6.502(G).



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 3, 2018

Clerk

t0625

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