Court of Appeals, State of Michigan

ORDER

People of MI v James Tyrell Drane

Docket No. 355992

LC No. 15-007208-01-FC

Kirsten Frank Kelly
Presiding Judge

Christopher M. Murray

Cynthia Diane Stephens
Judges

The motion to waive fees is GRANTED for this case only.

The motion to accept defendant's pro se filings "as is" is also GRANTED.

The motions for DNA testing and to remand for an evidentiary hearing are DENIED.

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

April 20, 2021
Date

Chief Clerk

APPENDIX A

STATE OF MICHIGAN

IN THE THIRD CIRCUIT COURT FOR THE COUNTY OF WAYNE

CRIMINAL DIVISION

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff,

v.

Case No: 15-007208-01-FC
Hon. Paul John Cusick
As successor to the
Hon. Megan Maher Brennan

JAMES TYRELL DRANE,
Defendant.
_____/

OPINION AND ORDER DENYING
MOTION FOR RELIEF FROM JUDGMENT

At a session of Court held at the Frank Murphy Hall of Justice in the City of Detroit, Wayne County, Michigan, on: MAY 0 8 2020

PRESENT: Hon. Paul John Cusick

This matter comes before the Court on the defendant's motion for relief from judgment pursuant to MCR 6.500 et seq. The Court being advised in the premises and after a review of the court record finds and orders as follows:

The defendant pleaded guilty in this case on September 3, 2015 to one count of 3rd degree criminal sexual conduct with a person 13 to 15 years of age, in exchange for the prosecutor dismissing a charge of 1st degree criminal sexual conduct and one count of kidnapping. He also pled guilty in another case to 1st degree criminal sexual conduct with a sentence agreement of 14 to 25 years that runs concurrently to the sentence in this case. Multiple charges were also dismissed in the second case. He was sentenced pursuant to the plea and sentence agreement in this case to 10 to 15 years in prison.

The defendant filed a motion to withdraw his guilty plea that was denied by the trial court on July 18, 2016. He appealed to the court of appeals who denied leave to appeal on February 23,

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WAYNE COUNTY CLERK
BY _____ DEPUTY CLERK

APPENDIX B

2017. The Supreme Court denied leave to appeal on September 12, 2017. His petition for writ for certiorari to the United States Supreme Court was denied on January 14, 2019. He now brings this motion for relief from judgment on this case only alleging that he was denied his constitutional rights and that he is actually innocent of the crimes that he pleaded guilty to. Since the defendant pled guilty under a sentencing agreement any relief granted would necessarily require that the defendant withdraw his guilty plea.

A defendant's guilty plea is required to be knowing, voluntary and understanding. *People v Brown*, 492 Mich 684, 688-689 (2012); *People v Cole*, 491 Mich 325, 331 (2012); MCR 6.302(A). Because a plea of guilty requires a criminal defendant to waive serious constitutional protections, including the right to not incriminate himself, the right to a trial by jury and the right to confront his accusers in court, the Fourteenth Amendment's Due Process Clause mandates that a plea of guilty does not effectively waive those rights unless it is knowing and voluntary. *Cole*, 491 Mich at 332-333. A plea is voluntary where a defendant is aware of the direct consequences of his decision to plead guilty. *Id.* at 333. Constitutionally-sound guilty pleas are "intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences[ ]" of pleading guilty. *Id.* At 333, quoting *Brady v United States*, 397 US 742, 748; 90 S Ct 1463 (1970).

The United States Supreme Court held that a defendant who has pleaded guilty and later wishes to attack his plea as unknowing or involuntary must show that he received ineffective assistance of counsel as set forth by *Strickland v Washington*, 466 US 668, 687; 104 S Ct 2052 (1984). *McMann v Richardson*, 397 US 759, 771 (1970). The high Court ruled that a defendant who pleads guilty accepts the inherent risk that the good-faith evaluations of a reasonably competent attorney will turn out to be mistaken either as to the facts or as to what a court's judgment might be on given facts. *McMann v Richardson*, 397 US at 771. Because a defendant

fears the possible outcome of a trial and decides to plead guilty with the benefit of dismissed charges it does not render that plea involuntary. *McMann*, 397 US at 759.

In order to establish ineffective assistance of counsel, a defendant must demonstrate (1) that counsel's performance was below an objective standard of reasonableness under prevailing professional norms, and (2) that there is a reasonable probability that, but for counsel's error, the result of the proceedings would have been different. *Strickland v Washington*, supra. A reasonable probability is a probability sufficient to undermine confidence in the outcome. *People v Carbin*, 463 Mich 590, 600 (2001); *People v Pickens*, 446 Mich 298 (1994). Effective assistance of counsel is presumed, and the defendant bears a heavy burden of proving otherwise. *People v Stanaway*, 446 Mich 643, 687 (1994).

Issue I: Jurisdictional error, statute of limitations violation

The defendant alleges that the charges in the Information ran beyond the statute of limitations and therefore the court was without jurisdiction rendering his plea void. He alleges that the statute regarding when an action can be charged is void for vagueness because in his case there was a DNA sample taken after the rape that was not tested for 16 years and therefore the 10 year limitations period had run before the rape kit was tested. The defendant also complains that the Information contained an offense date spanning 16 years when the prosecutor knew that the date of the offense was March 1, 1999.

The defendant's challenge to the statute of limitations, MCL 767.24, is without merit. The statute sets no limitations on when DNA evidence must be tested. The statute was amended in response to the discovery of thousands of rape kits that were never tested for many years after the reported rape to allow for the prosecution of the offenders later identified by DNA testing. Furthermore, the defendant refers to the wrong portion of the statute. The victim in this case was a

15 year old girl who was raped on her way to school therefore the proper section of the limitations statute is as follows:

MCL 767.24. Limitation of actions; extension or tolling

> (4) An indictment for a violation of section 520c or 520d of the Michigan penal code, 1931 PA 328, MCL 750.520c and 750.520d, in which the victim is under 18 years of age may be found and filed as follows:
>
> (a) Except as otherwise provided in subdivision (b), an indictment may be found and filed within 15 years after the offense is committed or by the alleged victim's twenty-eighth birthday, whichever is later.
>
> (b) If evidence of the offense is obtained and that evidence contains DNA that is determined to be from an unidentified individual, an indictment against that individual for the offense may be found and filed at any time after the offense is committed. However, after the individual is identified, the indictment may be found and filed within 15 years after the individual is identified or by the alleged victim's twenty-eighth birthday, whichever is later.

The statute allows that as long as the offender remains unidentified the limitations period for MCL 7500.520d is tolled. Once the offender's legal name is known and he or she has been determined to be the source of the DNA the indictment must be brought within 15 years of the identification or the victim's 28th birthday. In early 2015 the defendant was identified by his DNA that was deposited on the victim's underwear and by a LEIN report of the defendant's license plate. The charges of criminal sexual conduct were not time-barred and the court had jurisdiction to try the defendant.

The defendant alleges that he would not have pleaded guilty if the date of the offense was specified in the Information. This allegation is meritless. At the start of the defendant's preliminary examination the prosecutor amended the Information to clarify the offense date of March 1, 1999 and to dismiss the kidnapping charge as time-barred. The defendant's complaints about the Information were corrected prior to the bindover and the defendant suffered no prejudice.

Issue II: No underlying charge to support charge of CSC 1

The defendant alleges that the Information was invalid because it contained the charge of 1st degree criminal sexual conduct based on the underlying crime of kidnapping despite the fact that the kidnapping charge was dismissed as time-barred. He alleges that the charges should have been dismissed because the underlying crime of kidnapping could not be charged. He alleges that he was coerced into pleading guilty because the Information contained invalid charges of 1st degree criminal sexual conduct and that he had only 3 hours to consider the amended Information before pleading guilty.

The defendant's claim that the Information was invalid because the underlying charge of kidnapping was time-barred is not correct. This issue was addressed in *People v. Seals*, 285 Mich App 1 (2009) in the context of the felony murder statute and is instructive in this case. "Michigan's felony-murder statute requires only proof that the murder occurred during the commission of a specified felony." The court held that there is no additional requirement that the defendant be charged and convicted of the underlying felony. "The state's inability to prosecute the predicate crime because of a time limitation has no effect on the question whether the predicate crime was actually committed." The defendant's claim is a collateral attack on the plea because he did not plead guilty to 1st degree criminal sexual conduct, rather he pled to 3rd degree criminal sexual conduct and the prosecutor dismissed the remaining counts. This allegation has no merit.

Issue III: Involuntary plea and judicial participation in plea negotiations

The defendant alleges that the trial court participated in the plea negotiations and coerced the defendant into accepting the plea offer rendering his plea involuntary. The defendant alleges that because the court informed him that it could sentence him above the guidelines without giving a compelling reason he was coerced into accepting the plea. The defendant points to the

transcript where the court told him that he must be truthful when establishing the factual basis for the plea as an example of the court's coercion.

The defendant overstates the trial court's participation in the plea process. There is no evidence that the court offered the defendant a plea deal. Clearly the court was reiterating the prosecutor's plea offer to ensure that the defendant understood the offer. When a defendant pleads guilty he must enter an understanding, voluntary, and accurate plea. MCR 6.302(B)(2) states that for a plea to be understanding, the defendant must be informed of "the maximum possible prison sentence for the offense and any mandatory minimum sentence required by law[.]"

MCR 6.302 requires:

(B) An Understanding Plea.

> Speaking directly to the defendant or defendants, the court must advise the defendant or defendants of the following and determine that each defendant understands:
> (1) the name of the offense to which the defendant is pleading; the court is not obliged to explain the elements of the offense, or possible defenses;
> (2) the maximum possible prison sentence for the offense and any mandatory minimum sentence required by law, including a requirement for mandatory lifetime electronic monitoring under MCL 750.520b or 750.520c;

(C) A Voluntary Plea.

> (1) The court must ask the prosecutor and the defendant's lawyer whether they have made a plea agreement. If they have made a plea agreement, which may include an agreement to a sentence to a specific term or within a specific range, the agreement must be stated on the record or reduced to writing and signed by the parties.....
> (2) If there is a plea agreement, the court must ask the prosecutor or the defendant's lawyer what the terms of the agreement are and confirm the terms of the agreement with the other lawyer and the defendant.
> (3) If there is a plea agreement and its terms provide for the defendant's plea to be made in exchange for a sentence to a specified term or within a specified range or a prosecutorial sentence recommendation, the court may
> (a) reject the agreement; or
> (b) accept the agreement after having considered the presentence report, in which event it must sentence the defendant to a specified term or within a specified range as agreed to; or
> (c) accept the agreement without having considered the presentence report; or
> (d) take the plea agreement under advisement.

******

(D) An Accurate Plea.

> (1) If the defendant pleads guilty, the court, by questioning the defendant, must establish support for a finding that the defendant is guilty of the offense charged or the offense to which the defendant is pleading.

The court rule requires the trial court to ensure the defendant understands the plea he is entering into and the consequences of that plea. It does not convert the prosecutor's plea offer into the court's plea offer. The requirements of the rule did not coerce the defendant to accept a plea. In this case, the defendant was very clear that he wanted to plead guilty and did not want to proceed to trial. The court allowed the defendant to have a few days to meet with his family to consider the plea offer. The defendant attempted to deny the factual basis for the plea at the sentencing hearing and the court asked the defendant if he wanted to withdraw his plea and go to trial several times. The defendant admitted that he pleaded guilty because he was guilty but then tried to refute the facts. The defendant stated several times that he did not want to go to trial and he wanted to keep the plea agreement. The defendant was not coerced into pleading guilty when the court followed the requirements of the court rules in the plea taking procedure.

Issue IV: Illusory plea

The defendant alleges that his plea bargain was illusory because it was premised on him pleading guilty to 3rd degree criminal sexual conduct in exchange for the dismissal of 2 counts of 1st degree criminal sexual conduct that he claims were invalid charges. The defendant alleges that the underlying felony of kidnapping was time-barred and therefore the CSC 1 charges could not be sustained. As previously addressed above, the underlying kidnapping offense need not be charged in order to prove the CSC charges. The defendant received the benefit of his bargain when the prosecutor dismissed the remaining 1st degree criminal sexual conduct charges in exchange for the defendant's plea. This issue has no merit.

Issue V: Entrapment

The defendant alleges that he was entrapped by the government to plead guilty by manufacturing the facts that led to the CSC 1 charges thereby forcing him to plead guilty to the lesser CSC 3 charge. The defendant attempts to use hearsay from police reports to create an alternate fact scenario and claims that the police manufactured a new report to support the higher charges of CSC 1. He claims that the complainants were willing participants. The defendant fails to explain why three females[1] would report being raped to the police and endure invasive rape kit examinations if they had engaged in consensual sexual relations with the defendant, who was a total stranger to the young woman in this case. At the preliminary examination the complainant in this case testified that she accepted a ride to school by a man who drove her to a secluded place and raped her. She reported the rape to her family and the police as soon as she got home and went to the hospital for a rape kit examination. The testimony of the witness under oath and the DNA evidence is the supporting evidence in this case, not hearsay statements in a police report. This issue has no merit.

Issue VI: Ineffective assistance of counsel

The defendant alleges that his trial counsel was ineffective for failing to object to the time-barred charges. He alleges that the kidnapping charge was dismissed for insufficient evidence, however the preliminary exam transcripts and court order clearly establish that the prosecutor dismissed the kidnapping charge for being time-barred. That did not affect the remaining charges as explained above. The defendant generally asserts that his counsel failed to investigate his case, failed to object to the court's "participation" in forcing the defendant to accept the plea deal, failing to inform the defendant of the "illusory" plea deal, and failing to object to the

[1] The defendant was charged in only two cases.

"manufactured" charges amounting to entrapment. As discussed above, all of these claims have been reviewed and found to be without merit.

The defendant's allegation that his attorney negotiated for a plea bargain without his knowledge and then failed to relay the plea offer to the defendant is absurd and belied by the fact that the defendant accepted a plea deal.

Because a defendant fears the possible outcome of a trial and decides to plead guilty with the benefit of dismissed charges it does not render that plea involuntary. *McMann*, 397 US at 759. The defendant must demonstrate (1) that counsel's performance was below an objective standard of reasonableness under prevailing professional norms, and (2) that there is a reasonable probability that, but for counsel's error, the result of the proceedings would have been different. *Strickland v Washington*, 466 US 668, 687; 104 SCt 2052 (1984). The defendant has not established that his counsel provided ineffective assistance that fell below the standard of professional norms.

Issue VII: Ineffective assistance of appellate counsel

The defendant alleges that his appellate attorney was ineffective for failing to raise on direct appeal all of the claims he presents herein. This Court having found that all of the defendant's allegations of error are meritless, it now finds that the defendant was not denied effective assistance of counsel on appeal under the standards articulated by *Strickland*.

Issue VIII: Actual innocence

The defendant alleges that he is collaterally innocent because the first degree criminal sexual conduct charges could not have been brought because the underlying felony, kidnapping, was time-barred. He alleges that the third degree criminal sexual conduct charge was also time-barred. As discussed above, the underlying felony does not have to be charged to support the primary charge, and the charges were not time-barred. This claim has no merit.

The defendant alleges that he is factually innocent because the DNA evidence was "inconclusive" because it contained another female's DNA. He provided a police report that he claims disproves the DNA evidence in the victim's underwear because it states that she washed her underwear after the sexual assault. He alleges that the complainant could not identify him at the time of the preliminary examination because he looked "drastically different" than he did 16 years previously. The defendant alleges that he had an alibi on March 1, 1999, to wit: that he was attending an event at Michigan Technological University in Houghton Michigan more than 8 hours away from Detroit. The defendant's DNA was found in the 15 year old complaining witness' underwear, the report was not "inconclusive". Police reports are hearsay and cannot disprove scientific reports establishing the defendant's DNA in the victim's underwear. It is not surprising that the defendant looked different than he did 16 years prior to the witness' identification, but this did not make the identification unreliable: he was identified by his DNA in her underwear. The defendant presents no evidence to support his alibi claim so this claim fails. These allegations have no merit.

The defendant alleges that he has newly discovered evidence that his ex-wife and one of the complaining witnesses had some kind of "relationship" that would support a motive. The defendant's claim is vague and unsupported by analysis. The defendant has given only cursory treatment to this argument in his brief on appeal. "An appellant may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims, nor may he give only cursory treatment [of an issue] with little or no citation of supporting authority." *People v Watson*, 245 Mich App 572, 587 (2001). Such cursory treatment constitutes abandonment of the issue. *Id.* Furthermore, the complainant he refers to was not the complainant in this case and has no bearing on this case.

Conclusion

The defendant's allegations in this appeal have been reviewed and found to be without merit in the grounds presented. Fatal to his claims is the fact that the defendant pleaded guilty under oath to the charges and agreed that he pleaded guilty because he was guilty. The defendant stated under oath that he was not coerced into taking the plea and that he freely chose to plead guilty to the charges. The defendant has not shown that his plea was involuntary or unknowing, or that there was a defect in the plea proceeding such that the plea could not stand. The evidence of the defendant's DNA found in the underwear of a 15 year old girl who was raped on her way to school was compelling evidence that sustains the conviction. The defendant has not established that he is entitled to any relief.

The defendant has not shown that his claim of newly discovered evidence, i.e., that another complainant knew his ex-wife, has any material relationship to his case. The defendant has not shown that his attorney was ineffective for pursuing a plea deal that limited his exposure to a possible life sentence. *Strickland v Washington*, 466 US 668, 687; 104 SCt 2052 (1984).

The defendant has not established that he is entitled to relief from judgment or to withdraw his guilty plea. The defendant has not established that he is entitled to an evidentiary hearing to expand the record. The defendant's motion for relief from judgment is denied for lack of merit.

Hon. Paul John Cusick

Hon. Paul John Cusick
Third Judicial Circuit Court

STATE OF MICHIGAN

IN THE THIRD CIRCUIT COURT FOR THE COUNTY OF WAYNE

CRIMINAL DIVISION

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff,

v.

Case No: 15-007208-01-FC
Hon. Paul John Cusick
As successor to the
Hon. Megan Maher Brennan

JAMES TYRELL DRANE,
Defendant.
_____/

ORDER DENYING RECONSIDERATION

At a session of Court held at the Frank Murphy Hall of Justice in the City of Detroit, Wayne County, Michigan, on: JUN 23 2020

PRESENT: Hon. Paul John Cusick

This matter comes before the Court on the defendant's motion for reconsideration of the court's opinion and order denying his motion for relief from judgment pursuant to MCR 6.500 et seq. A motion for reconsideration under MCR 6.504(B)(3) requires that the motion must state concisely why the court's decision was based on a clear error and that a different decision must result from the correction of the error. A motion that merely presents the same matters that were considered by the court will not be granted.

The defendant alleges that the court erred by relying on the 2018 amended statute of MCL 767.24(4) for the statute of limitations when he was charged and prosecuted in 2015. The 2018 statute extended the statute of limitations to 15 years from the date of the crime or the victim's 28th birthday, whichever is later. The court concedes that the statute was amended in 2018 and the previous statute should have been relied upon in writing its opinion.[1] However, the

[1] MCL 767.24(3) of the 2015 version of the statute allows:

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CATHY M. GARRETT
WAYNE COUNTY CLERK
BY _____ DEPUTY CLERK

court's analysis does not change because the DNA donor was unknown until the testing was completed in 2015. The statute clearly allows an indictment to be brought and filed at any time after the offense is committed when the DNA is from an unknown individual.

The defendant alleges again, as he did in his first motion, that the DNA collected must be tested within the 10 year statute of limitations "to determine" whether the DNA is from an unknown person. He again argues that the DNA wasn't tested within the 10-year limit and therefore he could not be charged with the crime because the statute wasn't tolled. The statute sets no limitations on when the DNA evidence must be tested.

The defendant again alleges that the Information was improperly amended just hours before he pleaded guilty to remove the kidnapping charge without his knowledge and led to his guilty plea. He again alleges that he would not have pleaded guilty had he understood that the kidnapping charge was dismissed for "insufficient evidence." The defendant relies on the register of actions in the district court bind over for this premise. The defendant ignores the preliminary exam transcript where the prosecutor dismissed the kidnapping charge as time-barred. This

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(3) An indictment for a violation or attempted violation of section 145c, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.145c, 750.520c, 750.520d, 750.520e, and 750.520g, may be found and filed as follows:

(a) Except as otherwise provided in subdivision (b), an indictment may be found and filed within 10 years after the offense is committed or by the alleged victim's twenty-first birthday, whichever is later.

(b) If evidence of the offense is obtained and that evidence contains DNA that is determined to be from an unidentified individual, an indictment against that individual for the offense may be found and filed at any time after the offense is committed. However, after the individual is identified, the indictment may be found and filed within 10 years after the individual is identified or by the alleged victim's twenty-first birthday, whichever is later.

(c) As used in this subsection:

(i) "DNA" means human deoxyribonucleic acid.

(ii) "Identified" means the individual's legal name is known and he or she has been determined to be the source of the DNA.

clearly shows that the defendant knew that he was not being charged with kidnapping at the preliminary examination, long before he pleaded guilty.

The defendant has not shown how the court erred in addressing his specific arguments presented in his relief from judgment motion. The defendant did not meet his burden in the motion for relief from judgment to show that a plain error occurred that affected his substantial rights, or that if any error occurred, correcting that error would have had an effect on the outcome of the proceeding or decision. The defendant's claims of error are no more than a disagreement with the decision of the court and do not meet his burden to show a clear error and that he is entitled to relief from judgment.

The court did not err in denying his motion for relief from judgment. The court now orders that the motion for reconsideration is hereby denied.

Hon. Paul John Cusick

Hon. Paul John Cusick

Order

Michigan Supreme Court
Lansing, Michigan

January 4, 2022

Bridget M. McCormack,
Chief Justice

163156 & (21)(22)

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: 163156
COA: 355992
Wayne CC: 15-007208-FC

JAMES TYRELL DRANE,
Defendant-Appellant.

/

On order of the Court, the application for leave to appeal the April 20, 2021 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. The motions to remand and for DNA testing are DENIED.

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

s1220

Order

Michigan Supreme Court
Lansing, Michigan

April 5, 2022

Bridget M. McCormack,
Chief Justice

163156 (33)(35)

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: 163156
COA: 355992
Wayne CC: 15-007208-FC

JAMES TYRELL DRANE,
Defendant-Appellant.

/

On order of the Court, the motion to supplement is GRANTED. The motion for reconsideration of this Court's January 4, 2022 order is considered, and it is DENIED, because we are not persuaded that reconsideration of our previous order is warranted. MCR 7.311(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.

April 5, 2022

Clerk

m0328

2015 MCLS § 767.24

2015 Michigan Code Archive

Michigan Compiled Laws Service > Chapter 760-777 Code of Criminal Procedure > Act 175 of 1927 The Code of Criminal Procedure > Chapter VII Grand Juries, Indictments, Informations And Proceedings Before Trial

§ 767.24. Indictments; crimes; subsection (2) to be known as "Theresa Flores's Law"; subsection (4) to be known as Brandon D'Annunzio's law; findings and filing; limitations; extension or tolling.

Sec. 24. (1) An indictment for any of the following crimes may be found and filed at any time:

(a) Murder, conspiracy to commit murder, or solicitation to commit murder, or criminal sexual conduct in the first degree.

(b) A violation of chapter XXXIII of the Michigan penal code, 1931 PA 328, *MCL 750.200* to *750.212a*, that is punishable by imprisonment for life.

(c) A violation of chapter LXVIIA of the Michigan penal code, 1931 PA 328, *MCL 750.462a* to *750.462h*, that is punishable by imprisonment for life.

(d) A violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, *MCL 750.543a* to *750.543z*, that is punishable by imprisonment for life.

(2) An indictment for a violation or attempted violation of section 13, 462b, 462c, 462d, or 462e of the Michigan penal code, 1931 PA 328, *MCL 750.13*, *750.462b*, *750.462c*, *750.462d*, and *750.462e*, may be found and filed within 25 years after the offense is committed. This subdivision shall be known as "Theresa Flores's Law".

(3) An indictment for a violation or attempted violation of section 145c, 520c, 520d, 520e, or 520g of the Michigan penal code,1931 PA 328,*MCL 750.145c*, *750.520c*, *750.520d*, *750.520e*, and *750.520g*, may be found and filed as follows:

(a) Except as otherwise provided in subdivision (b), an indictment may be found and filed within 10 years after the offense is committed or by the alleged victim's twenty-first birthday, whichever is later.

(b) If evidence of the offense is obtained and that evidence contains DNA that is determined to be from an unidentified individual, an indictment against that individual for the offense may be found and filed at any time after the offense is committed. However, after the individual is identified, the indictment may be found and filed within 10 years after the individual is identified or by the alleged victim's twenty-first birthday, whichever is later.

(c) As used in this subsection:

(i) "DNA" means human deoxyribonucleic acid.

(ii) "Identified" means the individual's legal name is known and he or she has been determined to be the source of the DNA.

(4) An indictment for kidnapping, extortion, assault with intent to commit murder, attempted murder, manslaughter, or first-degree home invasion may be found and filed as follows: