

Order

Michigan Supreme Court
Lansing, Michigan

April 29, 2024

Elizabeth T. Clement,
Chief Justice

166353

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

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 166353
COA: 366833
Kent CC: 09-003200-FC

DARREN DEON JOHNSON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 26, 2023 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).



b0422

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 29, 2024

Clerk

Court of Appeals, State of Michigan

ORDER

People of MI v Darren Deon Johnson

Docket No. 366833

LC No. 09-003200-FC

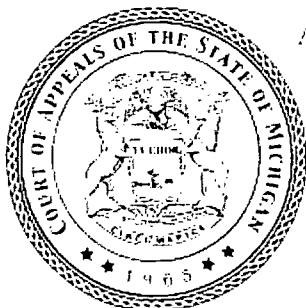
Mark T. Boonstra
Presiding Judge

Jane E. Markey

Kathleen A. Feeney
Judges

The motion for reconsideration is DENIED.


Presiding Judge



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

October 25, 2023
Date


Chief Clerk

Court of Appeals, State of Michigan

ORDER

People of MI v Darren Deon Johnson

Docket No. 366833

LC No. 09-003200-FC

Mark T. Boonstra
Presiding Judge

Jane E. Markey

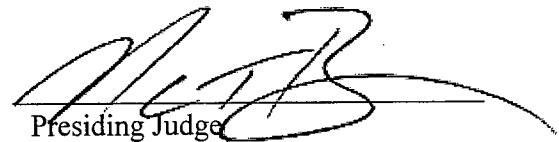
Kathleen A. Feeney
Judges

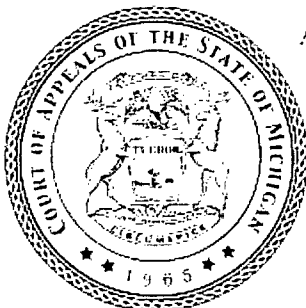
The motion to waive fees is GRANTED for this case only.

The motion for immediate consideration is DENIED.

The motion to remand is DENIED.

The application for leave to appeal is DENIED because defendant has failed to establish that the trial court erred in denying the successive motion for relief from judgment. MCR 6.502(G).


Presiding Judge



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

September 26, 2023

Date


Chief Clerk

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

PEOPLE OF THE STATE OF
MICHIGAN,

Plaintiff,

vs

DARREN DEON JOHNSON,

Defendant.

Case No. 09-03200-FC

OPINION AND ORDER DENYING
DEFENDANT'S SUCCESSIVE
MOTION FOR RELIEF FROM
JUDGMENT AND MOTION FOR
EVIDENTIARY HEARING

REC'D & FILED

JUN 06 2023

HON. MARK A. TRUSOCK
17th CIRCUIT COURT

At a session of said Court, held in the Kent County Courthouse
in the City of Grand Rapids, in said county on JUN 06 2023

Present: HON. MARK A. TRUSOCK
Chief Circuit Judge

Upon Defendant's Motion, and the Court being otherwise fully informed,
it is hereby ordered and adjudged as follows:

OPINION AND ORDER

Defendant Darren Deon Johnson filed this successive motion for relief from judgment along with a motion for an evidentiary hearing.

When filing a motion for relief from judgment, "[t]he defendant has the burden of establishing entitlement to the relief requested."¹ Under MCR 6.502(G)(1), the general rule is "one and only one motion for relief from judgment may be filed with regard to a conviction." There are exceptions to this rule for a retroactive change in law, claim of new evidence not discovered before the filing of the first motion, or a final court order vacating judgments for which the defendant is seeking relief.² The general rule may also be waived by the Court "if it concludes that there is a significant possibility that the defendant is innocent of the crime."³

¹ MCR 6.508(D).

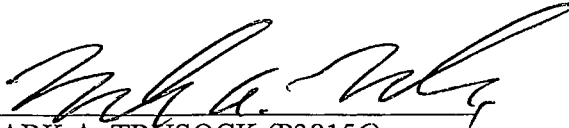
² MCR 6.502(G)(2).

³ *Id.*

Here, after review of the file, the Court finds this is a successive motion barred by MCR 6.502(G). Defendant has failed to show any applicable exception.

Therefore, **IT IS ORDERED** that Defendant's successive motion for relief from judgment and motion for evidentiary hearing are **DENIED**.

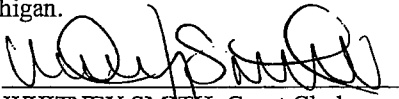
Dated: JUN 06 2023


MARK A. TRUSOCK (P38156)
Circuit Court Chief Judge

ATTEST: A true copy

I do hereby certify and return that I served a copy of the above opinion and order upon the parties by placing a copy of said notice in a sealed envelope, addressed to each, and giving said envelope to the Professional Courier Service for delivery or with full postage prepaid thereon and placing said envelope in the United States Mail at Grand Rapids, Michigan.

Dated: JUN 06 2023


WHITNEY SMITH, Court Clerk

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