

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

PAUL A. DYE - PETITIONER

VS.

STATE OF MICHIGAN - RESPONDENT

APPENDICES

- Appendix A - Opinion and Order of the Third Circuit Court for the County of Wayne Michigan
- Appendix B - Michigan Court of Appeals Order denying Discretionary Review
- Appendix C - Michigan Supreme Court Order Denying Discretionary Review
- Appendix D - 2013 Affidavit of Attorney Robert E. Edick
- Appendix E - 2013 Affidavit of Donna M. Dye
- Appendix F - 1990 Sentencing Transcript, p. 1, 43-44
- Appendix G - 2024 Affidavit of David Davis

STATE OF MICHIGAN
IN THE THIRD JUDICIAL CIRCUIT COURT
FOR THE COUNTY OF WAYNE

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff,

Hon. Mark T Slavens
Case# 82-005617-01-FC

-vs-

PAUL DYE,
Defendant.

OPINION

This criminal matter is before the Court on a successive Motion for Relief from Judgment filed by Defendant Paul Dye, by and through his counsel. For the reasons stated below, the Court will deny the motion.

Background

On September 2, 1983, following a jury trial on charges that he killed two women at a club, the defendant, Paul Dye, was convicted of two counts of first-degree murder and two counts of possession of a firearm during the commission of a felony.¹ The defendant was convicted of killing Donna Bartels and Glenda Collins, who were shot and killed in the Forbidden Wheels Motorcycle Club. Their bodies were found dumped on the curb of a residential street. Four club members (Bruce Seidel, James Dawson, Steve Stever, and the defendant) all admitted to helping clean up the clubhouse after

¹ This was defendant's second jury trial on the charges— his first trial ended in a mistrial.



the killings. Seidel, the prosecution's chief witness, accused the defendant of killing the women, while the defendant accused Seidel of being the killer. James Dawson and Steve Stever, who were purportedly asleep at the time of the killings, testified that Seidel told them that the defendant had just killed two women. Mr. Seidel, Mr. Dawson, and Mr. Stever testified that after the bodies were dumped, the defendant allegedly admitted to them that he committed the murders. *People v Dye*, 431 Mich 58, 63; 427 NW2d 501, 504 (1988).

Defendant appealed in the Court of Appeals, which affirmed. However, the Michigan Supreme Court, on August 2, 1988, reversed the defendant's conviction and remanded to the circuit court for a new trial. *Id.* On September 25, 1990, after a third jury trial, the defendant was convicted of first-degree premeditated murder, MCL 750.316, second degree murder, MCL 750.317, and possession of a firearm during the commission of a felony, MCL 750.227b. On October 12, 1990, defendant was concurrently sentenced to life imprisonment without the possibility of parole for his murder first-degree conviction, twenty-three years to forty years' imprisonment for his second-degree murder conviction, and a consecutive two-year sentence for his weapons conviction. Defendant filed an appeal, and the Michigan Court of Appeals affirmed the conviction. The Michigan Supreme Court thereafter denied leave to appeal.

On February 28, 2013, the defendant filed a motion for relief from judgment (MRJ), which the Court denied in an order entered April 2, 2013. Defendant filed a

motion for reconsideration, which was also denied. On June 10, 2014, the Michigan Court of Appeals denied the defendant's application for leave to appeal. On February 3, 2015, the Michigan Supreme Court denied the defendant's delayed application for leave to appeal.

Pending before the Court is Defendant's successive motion for relief from judgment, brought pursuant to MCR 6.502(G). Defendant argues that he is entitled to relief from judgment based on newly discovered evidence and a retroactive change in the law. First, the defendant alleges he is entitled to a new trial based on newly discovered evidence in the form of an affidavit from a prisoner who claims a trial witness admitted to giving false testimony. Second, defendant argues his trial counsel was ineffective, pursuant to *Missouri v. Frye*, 566 U.S. 134; 132 S.Ct. 1399; 182 L.Ed.2d 379 (2012), *Lafler v Cooper*, 566 US 156, 132 S Ct 1376, 182 LEd2d 398 (2012), and *People v Walker*, 328 Mich App 429; 938 NW2d 31 (2019), because he failed to accurately advise defendant regarding a plea offer.

Standard of Review

MCR 6.502(G) provides, in relevant part:

- (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 any of the following:
 - (a) a retroactive change in law that occurred after the first motion for relief from judgment was filed,

- (b) a claim of new evidence that was not discovered before the first such motion was filed, or
- (c) a final court order vacating one or more of the defendant's convictions either described in the judgment from which the defendant is seeking relief or upon which the judgment was based.

Once a defendant satisfies the procedural threshold of MCR 6.502, the defendant can only obtain relief from judgment if the requirements of MCR 6.508 are met. MCR 6.508(D) limits a defendant's entitlement to relief from judgment. If the defendant raises grounds for relief other than jurisdictional defects, relief may not be granted unless the defendant demonstrates both (a) good cause for failure to raise the grounds for relief on appeal or in a prior motion and (b) actual prejudice from the alleged irregularities that support the claim for relief. MCR 6.508(D)(3)(a) and (b).

Analysis

The defendant first argues he has newly discovered evidence in the form of an affidavit from David Davis. In his affidavit, Davis attests that James "Skeeter" Dawson, a former Forbidden Wheel who testified against the defendant at trial, admitted to lying under oath when he met with Davis in 2013. Specifically, Davis attests, in pertinent part, as follows:

I ran into Skeeter at the Scorpion's clubhouse, and we went outside to talk in private so no one else could overhear us. I straight up asked Skeeter why he told on Rocky. Skeeter said he didn't want to say anything to the police, but he ended up saying Rocky killed those two women so he would not go to jail. Skeeter said the police threatened to charge him with murder and a firebombing if he didn't say Rocky killed those people. Skeeter said the other guys involved had already said Rocky did it, so he

lied too and said Rocky did it. Skeeter and I had no further conversation after that.

For a new trial to be granted on the basis of newly discovered evidence, a defendant must show that: (1) the evidence itself, not merely its materiality, was newly discovered; (2) the newly discovered evidence was not cumulative; (3) the party could not, using reasonable diligence, have discovered and produced the evidence at trial; and (4) the new evidence makes a different result probable on retrial. *People v Cress*, 468 Mich 678, 692; 664 NW2d 174 (2003); *People v Grissom*, 492 Mich 296, 313; 821 NW2d 50 (2012). Additionally, "impeachment evidence may be grounds for a new trial if it satisfies the four-part test set forth in *Cress*, and there is "a material, exculpatory connection...between the newly discovered evidence and significantly important evidence presented at trial," *Grissom, supra* at 299-300.

Here, the defendant claims Davis's affidavit is *prima facie* newly discovered evidence that the wrong person was convicted. He contends that this evidence is exculpatory, non-cumulative, and would produce a different result on retrial, because it contradicts the evidence that implicated the defendant. He argues that the evidence obviously could not have been produced before trial, due to that fact that Davis has only recently decided to come forward with the information. Citing *People v Burton*, 74 Mich App 215; 253 NW2d 710 (1977), the defendant claims the significance of the evidence alone warrants relief from judgment. The defendant contends that there is a real likelihood the jury would have discounted the inculpatory testimony against him

after hearing testimony from Davis that would have supported his claim that the witnesses perjured themselves. For the reasons described below, the defendant's argument that he is entitled to a new trial based on newly discovered evidence lacks merit.

Newly discovered "impeachment evidence may be grounds for a new trial if it satisfies the four-part test set forth in *People v Cress, supra*, and there is "a material, exculpatory connection...between the newly discovered evidence and significantly important evidence presented at trial," *Grissom* at 299-300. In *People v Rogers*, 335 Mich App 172, 201; 966 NW2d 181, 196 (2020), the Court considered whether the complainant's recanting of her trial testimony that the defendant had raped her met the requirements for newly discovered evidence. The Court concluded that there was an exculpatory connection between the heart of the witness's testimony and the newly discovered impeachment evidence. The exculpatory connection was particularly strong because the defendant's conviction was based solely on the complainant's testimony and credibility. There was no eyewitness testimony or clear physical evidence of rape.

Comparatively, there is no such exculpatory connection in the present case. Davis admitted he was a teenager when this crime occurred, he was not an eyewitness to any of these events, and he did not know the defendant, or any of the testifying witnesses, in 1983. He has no personal knowledge of any of the events that occurred in this case, thus any evidence he presents regarding Dawson is hearsay, and double

hearsay regarding what Dawson said about other witnesses' statements. Davis's alleged meeting with Dawson and Dawson's putative recantation happened 31 years after the defendant's conviction and sentence.

Furthermore, the newly discovered evidence presented by defendant does not make a different result probable on retrial. "[I]n order to determine whether newly discovered evidence makes a different result probable on retrial, a trial court must first determine whether the evidence is credible, which requires a trial court to consider all relevant factors tending to either bolster or diminish the veracity of the witness's testimony. " *People v Johnson*, 502 Mich 541, 566-567; 918 NW2d 676 (2018). A court's credibility determination is concerned with what a reasonable juror might make of the testimony. *Id* at 567. In *Johnson*, the Michigan Supreme Court stated:

If a witness's lack of credibility is such that no reasonable juror would consciously entertain a reasonable belief in the witness's veracity, then the court should deny a defendant's motion for relief from judgment. However, if a witness is not patently incredible a trial court's credibility determination must bear in mind what a reasonable juror might make of the testimony, and not what the trial court itself might decide, were it the ultimate factfinder.

Id at 568.

Here, there is reason to deem the newly discovered evidence patently incredible. Davis alleges Dawson "admitted" to him that he perjured himself along with the other witnesses. Davis was allegedly given this information in 2013, yet he waited until 2024 before coming forward with this information, after conveniently meeting the defendant

in late 2023. However, even assuming the evidence is not patently incredible, a reasonable juror would not find it credible to the extent that it would make a different result probable on retrial. Notably, during the trial that resulted in defendant's final conviction, the defense raised the issue that the witnesses were lying, and that defendant did not commit the murders. The jury did not find that defense credible, resulting in defendant's conviction.

At trial, it was undisputed that there were four club members in the clubhouse at the time of the murders: defendant, Bruce Seidel, James Dawson, and Steve Stever. All four of them admitted to helping clean up the clubhouse after the killings. Seidel, the prosecution's chief witness, accused the defendant of killing the women. The defendant accused Seidel of being the killer. Dawson and Stever, who had been in an upstairs apartment apparently asleep at the time of the killings, testified that Seidel walked upstairs, awakened them, and told them the defendant had just killed two women. Seidel, Dawson, and Stever further testified that after Seidel and Dye dumped the bodies, all four met in Stever's garage, where the defendant admitted to the killings.

In addition to the testimony of the defendant, Seidel, Dawson, and Stever, the jury heard the expert testimony of a State Police serologist. Based on his analysis of the pattern of blood and tissue on the ceiling of the club, the serologist testified that crime scene photographs revealed that the shooter was standing behind the bar when the gun was fired. This testimony supported Seidel's account of the murders, that the shooter

was standing behind the bar when the murders were committed. Based on the evidence at trial, Davis's claim that Dawson recanted would not make a different result probable on retrial. For the reasons described above, the affidavit does not constitute grounds for a new trial. Not only does the affidavit contain hearsay and lack specificity, but it would not make a different result probable on retrial. *People v Tyner*, 497 Mich 1001, 1001-1002; 861 NW2d 622 (2015).

The defendant also alleges that he received ineffective assistance of counsel associated with a plea offer. He claims his defense counsel informed him that the prosecutor was willing to offer a plea bargain of second-degree murder, with a sentence agreement of 15 years imprisonment as to both counts. However, the defendant claims his counsel, Mr. Robert E. Edick, never advised him as to the ramifications of the plea. Defendant acknowledges that he raised this argument in a prior motion for relief from judgment, but argues that his previous motion was denied prior to *People v Walker*, 328 Mich App 429, 431-32; 938 NW2d 31, 32 (2019), in which the Court concluded that *Lafler v Cooper*, 566 US 156, 132 S Ct 1376, 182 LEd2d 398 (2012), applied retroactively.

Effective assistance of counsel is presumed, and a defendant bears the burden of proving otherwise. *People v Pickens*, 446 Mich 298, 302-303; 521 NW2d 797 (1994). The test for determining ineffective assistance is twofold: whether defense counsel's performance was deficient and whether this performance was prejudicial. *Strickland v Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). The *Strickland* framework

for evaluating counsel ineffectiveness applies to advice regarding whether to plead guilty. *Padilla v. Kentucky*, 559 U.S. 356, 359, 130 S. Ct. 1473, 1478, 176 L. Ed. 2d 284 (2010); *Hill v Lockhart*, 474 U.S. 52, 57-58, 106 S.Ct. 366, 88 L.Ed.2d 203 (1985). The deficiency portion of the test remains unchanged. Instead of focusing on the fairness of the trial, the prejudice component "focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process." *Hill v Lockhart*, 474 US at 59. If a defendant pleaded guilty, then he or she "must show that there is a reasonable probability that, but for counsel's errors, he [or she] would not have pleaded guilty and would have insisted on going to trial." *Id* at 59. If a defendant chooses to reject a plea offer, on the other hand, he or she must show a "reasonable probability that, but for his counsel's erroneous advice he would have accepted the state's plea offer." *Magana v Hofbauer*, 263 F3d 542, 551 (6th Cir 2001). "[B]ecause the *Strickland* standard is a general standard, a state court has even more latitude to reasonably determine that a defendant has not satisfied that standard." *Knowles v Mirzayance*, 556 U.S. 111, 114, 129 S. Ct. 1411, 1414, 173 L. Ed. 2d 251 (2009).

In this case, the defendant claims his lawyer failed to properly advise him regarding the prosecution's plea offer, thereby giving him erroneous legal advice.² For the reasons described below, the defendant has failed to establish prejudice under

² Defendant claims to have provided an affidavit of his former counsel, but no such affidavit was provided. Regardless, as discussed herein, even assuming his counsel failed to accurately advise him regarding the plea, the defendant has failed to demonstrate prejudice.

Strickland. A trial court may not accept a guilty plea without placing the defendant under oath and establishing a factual basis for the defendant's guilt. MCR 6.302; *People v Watkins*, 468 Mich 233, 238; 661 NW2d 553 (2003). "Courts in Michigan are required to evaluate a defendant's actual guilt before accepting a plea, not just 'the mere expression of willingness by the prosecutor and defendant to strike a bargain.'" *People v White*, 331 Mich App 144, 152-53; 951 NW2d 106, 111 (2020), quoting *People v Butler*, 43 Mich App 270, 279-280; 204 NW2d 325 (1972).

Throughout the proceedings, the defendant maintained his actual innocence of the murder charges, based on his claim that Seidel was the perpetrator. If the defendant truly had not committed (or truly believed he had not committed) any of the crimes, then entering a guilty plea would have entailed committing perjury. *White, supra*. It is per se not ineffective for counsel to refrain from seeking to admit perjured testimony; counsel is obligated to prevent a client from committing perjury of which counsel is aware. *People v Collier*, 105 Mich App 46, 56; 306 NW2d 387 (1981). Accordingly, the defendant's ineffective assistance of counsel claim fails.

Conclusion

For all of the reasons described herein, the defendant has failed to demonstrate that he is entitled to post-conviction relief. Defendant has failed to demonstrate good cause and actual prejudice and has therefore failed to meet the burden under MCR

6.508(D)(3)(a)-(b). Accordingly, the defendant's successive motion for relief from judgment seeking a new trial, and request for an evidentiary hearing, are DENIED.

Dated: 4-14-2025

Mark J. [Signature]
Circuit Court Judge

STATE OF MICHIGAN
IN THE THIRD JUDICIAL CIRCUIT COURT
FOR THE COUNTY OF WAYNE

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff,

Hon. Mark T Slavens
Case# 82-005617-01-FC

-vs-

PAUL DYE,
Defendant.

ORDER

At a session of said Court held in the Criminal Justice Center

on 4-14-2025

PRESENT: HON. HONORABLE MARK T. SLAVENS
Circuit Court Judge

In the above-entitled cause, for the reasons set forth in the foregoing Opinion, IT
IS HEREBY ORDERED that defendant's successive motion for relief from judgment
seeking a new trial, and request for an evidentiary hearing are DENIED.

82-005617-01-FC
CRHX
Heard And Denied -- Order Signed and Filed
1237741



Mark T. Slavens
Circuit Court Judge

PROOF OF SERVICE

I certify that a copy of the above instrument was served upon the attorneys of record and/or self-represented parties in the above case by mailing it to the attorneys and/or parties at the business address as disclosed by the pleadings of record, with prepaid postage on 4-14-25.

Name Mark

Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V PAUL ALLEN DYE

Docket No. 376860

LC No. 82-005617-01-FC

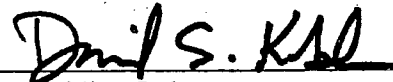
Daniel S. Korobkin
Presiding Judge

Michael F. Gadola

Christopher P. Yates
Judges

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

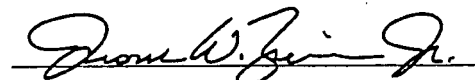
The delayed application for leave to appeal is DENIED because defendant has failed to establish that the trial court erred in denying the successive motion for relief from judgment.


Presiding Judge



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

December 5, 2025
Date


Chief Clerk

APPENDIX B

Order

Michigan Supreme Court
Lansing, Michigan

April 23, 2026

169439

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 169439
COA: 376860
Wayne CC: 82-005617-FC

PAUL ALLEN DYE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 5, 2025 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).



s0420

I, Elizabeth Kingston-Miller, 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 23, 2026

Elizabeth Kingston-Miller
Clerk

APPENDIX C

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