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State Appellate Defender Office
Criminal Defense Resource Center

Criminal Defense Newsletter

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Editor's *note:* In June 2014, we published *Six and a Half Things Every Litigant Needs to Know About 6.500 Motions*. This article is an update and replaces the 2014 article.

6.500 Motions: A primer

Those who want to challenge their Michigan felony convictions and sentences can do so in three basic ways: via direct appeal, state collateral attack, and/or federal habeas corpus. Many are familiar with direct appeals, which occur directly after sentencing. This primer focuses on the next type of challenge: the state collateral attack known as a "motion for relief from judgment." These motions are filed under subchapter 6.500 of the Michigan Court Rules and so they are often called "6.500 motions."

Subchapter 6.500 does not describe when a petition should be granted or provide substantive legal standards for relief. Those standards come from case law – for example, from *Brady v Maryland*, 373 US 83 (1963) (prosecution suppression of material evidence), *Stickland v Washington*, 466 US 668 (1984) (ineffective assistance of counsel), and *People v Cress*, 468 Mich 678 (2003) (new trial based on newly discovered evidence). But Subchapter 6.500 does have a lot of procedural rules that must be followed to be awarded relief. This primer will help you understand them.

1. When to file

There is no statute of limitations for the filing of a 6.500 motion, but you should not pursue a 6.500 motion in place of a direct appeal. *Hardaway v Robinson*, 655 F3d 445, 447 (CA 6, 2011) (holding that a 6.500 motion is not an adequate substitute for a direct appeal). The procedural requirements associated with 6.500 motions are generally more demanding than the standards of review associated with direct appeals, which means that you should pursue a

direct appeal unless you absolutely cannot.

At the same time, you should also be aware of how waiting too long to file your 6.500 can affect a later-filed habeas corpus petition. Both points are explained below.

Can you still file a direct appeal? A court is not permitted to grant relief if the 6.500 motion seeks relief "from a judgment of conviction and sentence that still is subject to challenge on appeal pursuant to subchapter 7.200 or subchapter 7.300" of the court rules. MCR 6.508(D)(1). This means that your 6.500 motion must be filed either after the direct appeal process has concluded, or, if you did not pursue a direct appeal, after the time to file a direct appeal has passed. In most circumstances, the time for pursuing a direct appeal expires if the defendant has not requested appellate review or filed a claim of appeal or application for leave to appeal within six months of being sentenced. MCR 7.205(A)(2).

If you lost your direct appeal "due to errors by [your] prior attorney or the court, or other factors outside [your] control," MCR 6.428, consider filing a Motion to Restore Appellate Rights in the trial court before filing a 6.500 motion.[1] Errors that might qualify include the trial court's failure to tell you about your appellate rights at sentencing or provide you with the necessary paperwork to submit your request, your trial attorney's failure to submit your request after agreeing to do so, or your appellate attorney's failure to perfect your appeal on time.

Don't forget about habeas corpus! If you think you might eventually challenge your convictions or sentences in a federal habeas corpus proceeding, you need to be aware of the way the filing of a 6.500 motion can affect the due date for of any potential habeas corpus petition. The federal habeas statute – the Antiterrorism and Effective Death Penalty Act – has a one-year statute of limitations. The one-year clock starts the day after the state conviction "becomes final" and stops during the time when a "properly filed" state post-conviction petition – like a 6.500 motion – is pending in the state court.[2] 28 USC §§ 2244(d)(1)(A) and 2244(d)(2); *Davis v Bradshaw*, 900 F3d 315, 323 (CA 6, 2018), citing *Artuz v Bennett,* 531 US 4, 8 (2000).

But when does a conviction "become final"? That depends on the route you followed after your conviction and sentencing. Most litigants challenge their convictions and sentences in one of three ways: (1) by pursuing a direct appeal to the Michigan Court of Appeals only, (2) by pursuing a direct appeal to both the Michigan Court of Appeals and the Michigan Supreme Court, or (3) by pursuing a direct appeal to the Michigan Court of Appeals and the Michigan Supreme Court, followed by a petition for a writ of certiorari in the United States Supreme Court.

If you appealed to the Michigan Court of Appeals only and did not file an application in the Michigan Supreme Court, your conviction became final 56 days after the Court of Appeals affirmed your conviction.[3] 28 USC § 2244(d)(1)(A) (the "limitation period shall run from . . . the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review") (emphasis added); MCR 7.305(C)(2) (56-day deadline for applications in criminal cases); see also *Erwin v Elo*, 130 F Supp 2d 887, 889 (ED Mich, 2001).

If you continued from the Court of Appeals to the Michigan Supreme Court but did not seek certiorari in the United States Supreme Court, your conviction became final 90 days after the

Michigan Supreme Court affirmed your conviction or denied leave to appeal. 28 USC § 2244(d)(1)(A); Sup Ct R 13.1 (90-day deadline for certiorari petitions); see also *Gonzales v Thaler*, 565 US 134, 150 (2012).

If you took your case through all three courts, your conviction became final when the United States Supreme Court either affirmed your conviction on the merits or denied your petition for certiorari. *Gonzales*, 565 US at 150; see also 28 USC § 2244(d)(1)(A).

2. Filing logistics

Your 6.500 motion should be filed in the circuit court where you were convicted; you must file an original and one copy, MCR 6.503(A)(1), and should retain a copy for your own records. You must serve the motion on the prosecutor. MCR 6.503(B). After it is filed, your motion will be assigned to the same judge to whom the case was originally assigned, if that judge is still available. MCR 6.504(A).

Required contents of the motion. The State Court Administrative Office (SCAO) has a form that you can use for your motion, which you can supplement with additional sheets of paper.[4] Whether you use the SCAO form or not, the court rule lists the information that must be included in your filing:

(1) The name of the defendant;
(2) The name of the court in which the defendant was convicted and the file number of the defendant's case;
(3) The place where the defendant is confined, or, if not confined, the defendant's current address;
(4) The offenses for which the defendant was convicted and sentenced;
(5) The date on which the defendant was sentenced;
(6) Whether the defendant was convicted by a jury, by a judge without jury, or on a plea of guilty, guilty but mentally ill, or nolo contendere;
(7) The sentence imposed (probation, fine, and/or imprisonment), the length of the sentence imposed, and whether the defendant is now serving that sentence;
(8) The name of the judge who presided at trial and imposed sentence;
(9) The court, title, and file number of any proceeding (including appeals and federal court proceedings) instituted by the defendant to obtain relief from conviction or sentence, specifying whether a proceeding is pending or has been completed;
(10) The name of each lawyer who represented the defendant at any time after arrest, and the stage of the case at which each represented the defendant;
(11) The relief requested;
(12) The grounds for the relief requested;
(13) The facts supporting each ground, stated in summary form;
(14) Whether any of the grounds for the relief requested were raised before; if so, at what stage of the case, and, if not, the reasons they were not raised;
(15) Whether the defendant requests the appointment of counsel, and, if so, information necessary for the court to determine whether the defendant is entitled to appointment of counsel at public expense. [MCR 6.502(C)(1)-(15).]

Although not required, you should file a memorandum of law, if possible, to fully explain your legal arguments. The combined length of your motion and any memorandum cannot be more than 50 pages, double-spaced, excluding attachments and exhibits. MCR 6.502(C).

You may amend or supplement your motion "at any time," MCR 6.502(F), but there is no requirement that the trial court consider your amended motion or any materials submitted after the initial filing. Instead, that depends on the trial court exercising its discretion in your favor. *People v Swain*, unpublished per curiam opinion of the Court of Appeals, issued October 24, 2011 (Docket No. 304228), pp 2-3. For this reason, it's best to make sure your motion is correct and complete at the time you initially file it, and that you include any necessary affidavits, offers of proof, or other materials at the outset.

Request for counsel? Request for a hearing? See ## 7 and 8, below.

3. Successive motions

Generally, "one and only one motion for relief from judgment may be filed with regard to a conviction." MCR 6.502(G)(1). That means that you should take care to ensure that your motion raises all the issues that you are able to identify that could entitle you to relief – most often, you won't get a second chance.

There are exceptions to the "one and only one motion" rule. A so-called "successive motion" can proceed if it demonstrates one 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. [MCR 6.502(G)(2)(a)-(c).]

An example of the first exception can be found in *People v Stovall*, 510 Mich 301 (2022), where the Michigan Supreme Court granted resentencing to a defendant sentenced to parolable life for a second-degree murder conviction committed when he was a youth, finding that the life sentence violated the state constitution. The sentencing challenge had been made in a successive 6.500 motion, and the Court held that the bar in MCR 6.502(G) did not apply, due to the rulings in *Miller v Alabama*, 567 US 440 (2012) and *Montgomery v Louisiana*, 577 US 190 (2016).[5]

An example of the second exception can be found in *People v Lemons*, 514 Mich 485 (2024), where the Supreme Court granted a new trial based in part on new testimony from the pathologist who performed the original autopsy. At trial, the pathologist had testified that the manner of death was homicide, and the cause of death was shaken baby syndrome. But at a later evidentiary hearing – prompted by the filing of a successive 6.500 – the pathologist testified the manner of death was "indeterminate" and that the baby could have choked to death,

as the defense contended. *Id.* at 496. The prosecutor did not dispute that the pathologist's changed testimony was "new evidence." *Id.* at 514.

MCR 6.502(G) also provides that "new evidence" under subsection (b) includes "shifts in science", *i.e.*, shifts in scientific consensus, shifts in a testifying expert's knowledge and opinions, or shifts in a scientific method on which the scientific evidence at trial was based. MCR 6.502(G)(3)(a)-(c).

"New evidence" is just that: something new to the case. In determining whether you have met the requirements of MCR 6.502(G)(1)(b), the trial court should not delve into whether you have met your ultimate burden for relief. *People v Clinton*, __ Mich __; __ NW3d __ (2026) (Docket No. 167751); *People v Allen*, __ Mich App __; __ NW3d __ (2026) (Docket No. 373427), slip op at 6; *People v Swain*, 499 Mich 920 (2016); see also *People v Watkins*, 500 Mich 851 (2016) ("[*People v Cress*, 468 Mich 678 (2003)] does not apply to the procedural threshold of MCR 6.502(G)(2), as the plain text of the rule does not require that a defendant establish all elements of the test."). Instead, the court's inquiry should focus on whether the evidence "was not discovered" before the first motion was filed, i.e., whether it is "new." *Allen*, slip op at 6 ("In sum, to overcome MCR 6.502(G)(2)'s procedural hurdle relative to a successive motion for relief from judgment based on a claim of new evidence (and for which the trial court has not waived the provisions of MCR 6.502(G) on the basis of the defendant's innocence), a defendant need only make some offer of proof that the evidence in question 'was not discovered before' the defendant filed his or her first motion for relief from judgment.").

The third exception was added to the court rule in 2023. It allows a successive petition where the challenge associated with the successive 6.500 petition involves a conviction that has been vacated.

Justice Clement described the need for this addition in her concurrence in *People v Owens*, 967 NW2d 834 (Mich 2022). In that case, two of Mr. Owens's convictions had been vacated by a federal habeas court, and two of his convictions remained. But "the sentences he received for those remaining convictions were informed by [sentencing guidelines] points that were assessed against him for the convictions that [had] since been set aside." *Id.* at 834 (Clement, J., concurring). Mr. Owens sought resentencing by filing a successive 6.500 motion; the trial court granted the motion even though Mr. Owens could not meet either of the then-two exceptions in the rule, i.e., a retroactive change in the law or newly discovered evidence. The Court of Appeals affirmed, and Justice Clement concurred with the denial of the prosecutor's application despite her doubts about Mr. Owens's ability to satisfy the then-existing rule, explaining that she would support "reviewing the rules to see whether there are appropriate changes we can make that would more clearly address this situation." *Id.* at 835.

The trial court can also "waive the provisions of [the] rule if it concludes that there is a significant possibility that the defendant is innocent of the crime." MCR 6.502(G)(2). This waiver provision mirrors language in MCR 6.508(D), which allows a court to waive the "good cause" requirement in MCR 6.508(D)(3)(a), based on a "significant possibility that the defendant is innocent of the crime." See *People v Swain (On Remand)*, 288 Mich App 609, 638 (2010) (interpreting MCR 6.508(D) as requiring a showing "that it is more likely than not that no

reasonable juror would have found [the defendant] guilty beyond a reasonable doubt"), quoting *Schlup v Delo,* 513 US 298, 327 (1995).

If the trial court dismisses your motion as successive or denies some of the claims within the petition as successive, you may appeal that ruling. MCR 6.502(G)(1). See # 9, below.

4. Substantive legal claims

The choice of which substantive legal claims to include in the 6.500 motions will depend on the facts of each case. But the court rules and case law give some guidance. Every case is different, but the categories listed below address most types of substantive legal claims a petitioner may want to present.

Claims that present jurisdictional defects. These claims can be presented at any time, i.e., without regard to whether they have previously raised before, or should have been. MCR 6.508(D)(3). Jurisdictional defects include "only those challenges that question the very authority of the court to convict and sentence the defendant." *People v Carpentier*, 446 Mich 19, 46 (1994) (Riley, J., concurring) (citation omitted). Examples include "improper personal jurisdiction, improper subject matter jurisdiction, double jeopardy, imprisonment when the trial court had no authority to sentence defendant to the institution in question, and the conviction of a defendant for no crime whatsoever." *Id.* (footnotes and citations omitted).

Claims that have not been previously raised and decided against you. MCR 6.508(D)(2) bars a court from granting relief on a claim that was decided against you in a prior appeal or 6.500 proceeding, unless you establish "a retroactive change in the law has undermined the prior decision."

But even without a retroactive change in the law, the court can consider previously decided claims "in the context of a new claim for relief," or when the claims, considered together, "create a significant possibility of actual innocence." MCR 6.508(D)(2); see also *People v Johnson*, 502 Mich 541, 577 n 17 (2018) (assessing value of recantation evidence raised in prior 6.500 petition together with claim of new evidence as presented in current petition).

Claims that could have been raised on direct appeal or in a prior 6.500 motion but weren't, and for good cause. MCR 6.508(D)(3) bars a court from granting relief on a claim that could have been raised on direct appeal or in a prior 6.500 motion, unless you first show "good cause" and "actual prejudice."

"Good cause" is a sound reason for not raising the claim earlier, such as ineffective assistance of appellate counsel.[6] *People v Gardner*, 482 Mich 41, 50 n 11 (2008); *People v Kimble*, 470 Mich 305, 314 (2004). Good cause can also be demonstrated by a "showing that some external factor prevented counsel from previously raising the issue." *People v Reed*, 449 Mich 375, 378 (1995). Examples of external factors include:

- that the prosecution withheld material evidence, in violation of *Brady v Maryland*, 373 US 83 (1963). *People v Christian*, 510 Mich 52, 75 (2022);

- mental illness that prevented the defendant from appealing earlier. *People v Harrington*, unpublished per curiam opinion of the Court of Appeals, issued December 12, 1995 (Docket No. 18839), p 3;[7]
- errors by the trial court that "effectively deprived [the defendant] of an appeal." *People v Watt*, unpublished per curiam opinion of the Court of Appeals, issued June 23, 2022 (Docket No. 357085), p 7; and
- that the new "constitutional claim is so novel that its legal basis [wa]s not reasonably available to counsel." *Reed v Ross*, 468 US 1, 16 (1984).

The trial court can waive the "good cause" requirement based on a "significant possibility that the defendant is innocent of the crime." MCR 6.508(D). This requires showing "that it is more likely than not that no reasonable juror would have found [the defendant] guilty beyond a reasonable doubt." *Swain (On Remand)*, 288 at 638, quoting *Schlup v Delo*, 513 US 298, 327 (1995).

Again, and as explained above, see # 1, if you did not raise the claim(s) earlier because you lost your direct appeal "due to errors by [your] prior attorney or the court, or other factors outside [your] control," MCR 6.428, you should first explore filing a Motion to Restore Appellate Rights in the trial court instead of a 6.500 motion.

"Actual prejudice" is defined in the court rule, which provides different standards for different types of claims and situations. For example, there are two prejudice standards associated with trial-based convictions. MCR 6.508(D)(3)(b)(i)(A) (prejudice standard claims of trial error); 6.508(D)(3)(b)(i)(B) (prejudice standard for trial-based convictions where defendant "rejected a plea based on incorrect information for the trial court or ineffective assistance of counsel"). There are separate prejudice standards for plea-based convictions and sentence challenges. MCR 6.508(D)(3)(b)(ii) (prejudice standard for claims associated with plea of guilty, guilty but mentally ill, or nolo contendere); 6.508(D)(3)(b)(iv) (prejudice standard for claims that sentence is "invalid"). And there is a "catch all" prejudice standard that can apply to "any case" where "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).

Claims involving newly discovered evidence. To receive a new trial on the basis of newly discovered evidence, you must show: "(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." *Cress*, 468 Mich at 692 (cleaned up).

When evaluating a *Cress* claim:

> A trial court's function is limited when reviewing newly discovered evidence, as it is not the ultimate fact-finder; should a trial court grant a motion for relief from judgment, the case would be remanded for retrial, not dismissal. In other words, a trial court's credibility determination is concerned with whether a reasonable juror could find the testimony credible on retrial. [*People v Johnson*, 502 Mich 541, 567 (2018).]

The *Cress* four-factor test is distinct from the test to determine whether a successive petition can proceed on the merits. *People v Watkins*, 500 Mich 851 (2016); *People v Swain*, 499 Mich 920 (2016). That is, while MCR 6.502(G)(2)(b) looks to whether the evidence presented is "new" or not, the *Cress* standard evaluates whether that evidence could have been found previously through the exercise of due diligence. If you are concerned that the court might find that the newly discovered evidence could have been discovered if your attorney had acted with greater diligence, consider arguing in the alternative that your trial attorney's lack of diligence caused was the reason the evidence was not previously discovered, as ineffective assistance of counsel constitutes good cause for failing to previously raise the issue.

5. Preliminary consideration by the judge

If your motion does not include the information required by MCR 6.502(C)(1)-(15), the court may return it to you as deficient, MCR 6.502(D), or it may "adjudicate the motion" as-is. *Id.* The court may then permit the petition to go forward, or it may summarily dismiss some or all the claims. MCR 6.504(B) (describing summary dismissal procedure).

If the court summarily dismisses any of the claims, it must provide you with reasons for the dismissal. MCR 6.504(B)(2). If you disagree with the dismissal, you can either request reconsideration or challenge the dismissal by filing an application for leave to appeal in the Court of Appeals. See # 9, below. Reconsideration motions are due within 21 days of service of the court's dismissal order and must explain why the court clearly erred in denying the motion. MCR 6.504(B)(3).

If your filing is a "first motion effectively seeking to set aside or modify the judgment but [is] style[d] . . . as something other than a motion for relief from judgment," the court must notify you of its intent to recharacterize the filing as a motion for relief from judgment and how that might affect later-filed motions, and give you a chance to either withdraw or amend your motion. MCR 6.502(D). This is important because of the limits associated with the filing of successive motions. See # 3, above. The court is required to comply with this notice provision. *People v Travis*, unpublished order of the Court of Appeals, entered April 29, 2022 (Docket No. 359877) (remanding for court to follow procedure set forth in MCR 6.502(D)).

6. Response by the prosecutor and expansion of the record

If the court does not summarily dismiss the entire petition, it must direct the prosecutor to file a response. MCR 6.504(B)(4); see also MCR 6.506. The court can also direct the parties to expand the record with "any additional materials it deems relevant to the decision on the merits of the motion." MCR 6.507. But the decision to expand the record depends on the trial court's exercise of discretion, so it's not something you should depend on. Instead, if you have relevant materials that you think should be considered with your claims, include a copy of those materials with your initial filing. And, because the Court of Appeals will only consider evidence included in the record, attaching all relevant materials to your motion with ensure that, if your motion for an evidentiary hearing is denied and you appeal, the Court of Appeals will have a complete record for its review.

7. Evidentiary hearing, oral argument, and relief

The trial court is authorized to rule on a 6.500 motion either with or without argument or an evidentiary hearing. MCR 6.508(B)-(C).

You do not need a separate motion for an evidentiary hearing, but you should explain why, in your 6.500 motion or memorandum of law, you think you are entitled to a hearing. And you should include the request for hearing in the "relief requested" section. MCR 6.502(C)(11).

If the trial court grants an evidentiary hearing, "the rules of evidence other than those with respect to privilege do not apply." MCR 6.508(C). And, as described below, the trial court must appoint counsel if it orders argument on the motion or an evidentiary hearing. MCR 6.505(A); see also *People v McGlothan*, __ Mich __; __ NW3d __ (2026) (Docket No. 169305).

8. Right to counsel

There is no constitutional right to counsel to help you with your 6.500 motion. *Pennsylvania v Findley*, 481 US 551, 555 (1987); *People v Walters*, 463 Mich 717, 721 (2001). But you can always ask that counsel be appointed by filing a request with your motion.

The trial court is required to appoint counsel if it determines that an evidentiary hearing on your motion is required or if it wants to hear oral argument on your motion. MCR 6.505(A). Otherwise, the trial court is permitted (but not required) to appoint counsel if you make a request for counsel. *Id.* If counsel is appointed, the court is required to allow your attorney 56 days to amend or supplement your motion. MCR 6.505(B).

On appeal, if the Court of Appeals grants leave to appeal, it will remand for the appointment of counsel to handle the appeal. E.g., *People v Smith*, unpublished order of the Court of Appeals, entered December 3, 2024 (Docket No. 371413) (granting leave to appeal and remanding for the appointment of counsel); *People v Wenman*, unpublished order of the Court of Appeals, entered November 14, 2024 (Docket No. 370130) (same).

9. Appeals

Many 6.500 motions present multiple claims. If the trial court enters an order resolving some of the motion's claims and then enters an order on the remaining claims, it must reissue the order "so that all decisions on the motion are reflected in a single order." MCR 6.508(F).

Appeals from the grant or denial of a 6.500 motion are by leave only. MCR 6.509(A). The filing deadline is six months from the entry of the order, granting or denying relief. MCR 7.205(A)(4)(a). Appeals may be taken from the original order on the motion, or from an order filed in response to a timely-filed motion for reconsideration. *Id.*

If you do file an appeal – or must defend against the prosecution's appeal – the Court of Appeals has a pro per manual on its website that may be helpful: *Guide to Pursuing a Criminal Appeal*.

Endnotes

[1] The CDRC has materials to help you draft an appropriate motion. You can write to us for a copy or a friend or loved one can find these materials on the SADO website.

[2] The one-year statute of statute of limitations is also subject to equitable tolling in "appropriate cases." *Holland v Florida*, 560 US 631, 645 (2010). But federal courts apply equitable tolling "sparingly," *Robertson v Simpson*, 624 F3d 781, 784 (CA 6, 2010), and so would-be habeas petitioners should try to file within the deadline when possible.

[3] Note though, that if you did not first present your claims to the Michigan Supreme Court, they will be deemed "unexhausted" by the federal court. *O'Sullivan v Boerckel*, 526 US 838, 845 (1999); *Robinson v Horton*, 950 F3d 337, 343 (CA6, 2020).

[4] A copy of the SCAO form is included at the end of this primer.

[5] *Miller* struck mandatory LWOP sentences for juveniles and *Montgomery* held that *Miller* applied retroactively to cases on collateral review.

[6] Because there is no right to counsel in post-conviction proceedings, *Pennsylvania v Findley*, 481 US 551, 555 (1987), an attorney's ineffectiveness during a 6.500 proceeding cannot constitute "cause" for a default. But because there is a right to counsel on direct appeal, ineffectiveness of appellate counsel does meet the "cause" standard. *Kimble*, 470 Mich at 314.

[7] Mr. Harrington did not file a direct appeal but instead successfully challenged his conviction through a 6.500 motion. In evaluating whether he had demonstrated good cause for failing to raise his claim on direct appeal, the Court observed that there was some question as to whether the cause requirement applied at all, because the language of MCR 6.508(D) – "good cause for failure to raise such grounds on appeal or in the prior motion," which is identical to the current language – "implie[d] that an earlier appeal or motion existed." *Harrington*, unpub op, p 3 n 1. Note that The Sixth Circuit has "not squarely considered whether mental illness can constitute cause excusing procedural default." *Clark v United States*, 764 F3d 653, 660 (CA 6, 2014).

Kathy Swedlow
Manager, CDRC

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	MOTION FOR RELIEF FROM JUDGMENT	CASE NO. and JUDGE

ORI
MI-

Court address

Court telephone no.

THE PEOPLE OF THE STATE OF MICHIGAN	v	Defendant name, address, and inmate no.

To be completed by the court.	
CTN/TCN	SID

INSTRUCTIONS: Answer each question as completely as you can. If you need more space to answer any question, you may attach extra pages. You may also attach documents, affidavits, or a brief, if you wish. Only one motion for relief may be filed, except as indicated in MCR 6.502(G)(2). Information for items 1 and 2 is on both your judgment of sentence and basic information sheet, which are available at the prison record office.

1. I was found guilty on _____ (Date) of the crime(s) stated below.

Count	CONVICTED BY Plea*	Court	Jury	DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC Code

*For plea: Insert "G" for guilty pleas, "NC" for nolo contendre, or "MI" for guilty but mentally ill. For dismissal: insert "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff.

2. I was sentenced as stated below by Hon. _____ (Name of judge).

Count	SENTENCE DATE	MINIMUM Years	Mos.	Days	MAXIMUM Years	Mos.	DATE SENTENCE BEGINS	JAIL CREDIT Mos.	Days	OTHER INFORMATION

3. Fill in the charts below with the information requested about the court proceedings in your case and the names of the attorneys who represented you.

a. **Trial Level - All Proceedings.** From arrest to sentencing, including lineups and other proceedings.

NAME OF PROCEEDING	NAME OF ATTORNEY

NAME OF PROCEEDING	NAME OF ATTORNEY

3. (continued)

b. **Postconviction - All Proceedings.** State and federal, including appeals, posttrial motions, and habeas petitions.

COURT	DOCKET NO.	NAME OF PROCEEDING	NAME OF ATTORNEY	RESULT	DATE OF RESULT

4. **Appointment of Counsel.** Do you want an attorney appointed? ☐ Yes ☐ No If yes, complete and attach a financial schedule.

5. **Grounds and Relief.**

a. What action do you want the court to take? _____

_____

b. What are the legal grounds for the relief you want? **You must raise all the issues you know about.** You may not be allowed to raise additional issues in the future. Use extra sheets of paper, if necessary.

ISSUE ONE: _____

_____

Supporting facts: _____

_____

ISSUE TWO: _____

_____

Supporting facts: _____

_____

ISSUE THREE: _____

_____

Supporting facts: _____

_____

I declare under the penalties of perjury that this motion has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

_____ _____
Date Signature

PROOF OF SERVICE

I certify that on this date I served a copy of this motion upon the prosecutor by ☐ personal service. ☐ first-class mail.
I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

_____ _____
Date Signature