IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Hugo J Mack**
Docket No. **276609**
L.C. No. **92-026983-FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

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

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because the defendant cannot appeal the rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). The trial court clearly rejected the motion by finding that a retroactive change in the law was not applicable. The Court would note that defendant does not cite one case that holds that he would be entitled to a reversal of his conviction because he was charged in separate counts as opposed to the same count with different theories.

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 15 2007
Date

Sandra Schultz Mengel
Chief Clerk