

Court of Appeals, State of Michigan

ORDER

People of MI v Arthur Smart

Docket No. 301679

LC No. 98-002820-FC

Kurtis T. Wilder
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly
Judges

The Court orders that the delayed application for leave to appeal the December 17, 2009, order from the Wayne Circuit Court is DISMISSED for lack of jurisdiction. Because defendant previously appealed his conviction as of right and filed a previous motion for relief from judgment, he could seek relief in the circuit court only under the procedures provided by Subchapter 6.500 of the Michigan Court Rules. See MCR 6.429(B)(4). Defendant already filed a motion for relief from judgment and cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). None of the exceptions found in MCR 6.502(G)(2) are applicable.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

AUG 03 2011

Date


Chief Clerk