

# Court of Appeals, State of Michigan

## ORDER

People of MI v Bernard Kelly

Docket No. 309008

LC No. 04-010768-01

Christopher M. Murray  
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens  
Judges

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The Court orders that 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 defendant previously appealed and filed a 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). Accordingly, this Court examined defendant's application seeking leave from the circuit court's denial of his motions to compel discovery under the standards set forth in MCR 6.508(D). 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

JUL 26 2012

Date

  
Chief Clerk