

Court of Appeals, State of Michigan

ORDER

People of MI v Christopher Delgado

Docket No. 314544

LC No. 00-013607-FC

Kurtis T. Wilder
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens
Judges

The Court orders that the delayed application for leave to appeal the November 16, 2012, order from the Wayne Circuit Court 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. Accordingly, this Court examined defendant's application seeking leave from the circuit court's denial of his motion for resentencing, to correct his sentence and to correct the Presentence Investigation Report, under the standards set forth in MCR 6.508(D). 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

FEB 13 2013

Date


Chief Clerk