

Court of Appeals, State of Michigan

ORDER

People of MI v Donald Stewart

Docket No. 316906

LC No. 04-005837-01-FH

Kurtis T. Wilder
Presiding Judge

Christopher M. Murray

Michael J. Riordan
Judges

The Court orders that the motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal the March 28, 2013, opinion and order entered by the Wayne County Circuit Court, is DISMISSED for lack of jurisdiction. Although the trial court denied defendant's motion to correct an invalid sentence on the merits, the trial court should have treated the motion as a successive motion for relief from judgment. See MCR 6.429(B)(4) and MCR 6.502(G)(1). Defendant may not appeal the denial of a successive motion for relief from judgment, MCR 6.502(G)(1), and none of the exceptions under MCR 6.502(G)(2) are applicable.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

OCT 04 2013

Date


Chief Clerk