

Court of Appeals, State of Michigan

ORDER

People of MI v James M Johnston

Docket No. 318295

LC No. 96-503804-FH

Cynthia Diane Stephens
Presiding Judge

Kurtis T. Wilder

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 April 17, 2013, order from the Wayne Circuit Court is DISMISSED for lack of jurisdiction. Because defendant previously appealed and filed a post-judgment motion for relief, he could seek relief in the circuit court only under the procedures provided by Subchapter 6.500 of the Michigan Court Rules. 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 Jerome W. Zimmer Jr., Chief Clerk, on

NOV 20 2013

Date


Chief Clerk