

Court of Appeals, State of Michigan

ORDER

People of MI v Charles E Payton

Docket No. 322238

LC No. 04-010421-FC

Michael J. Riordan
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly
Judges

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 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 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, where defendant has failed to establish that the lab report and affidavit amount to newly discovered evidence sufficient to warrant a new trial, *People v Grissom*, 492 Mich 296, 312-313; 821 NW2d 50 (2012).



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

SEP 04 2014

Date


Chief Clerk