

Court of Appeals, State of Michigan

ORDER

People of MI v Brian Boykins

Docket No. 328556

LC No. 07-021072-FC

Michael J. Riordan
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens
Judges

The Court orders that the delayed application for leave to appeal the Wayne Circuit Court's May 20, 2015 order is DISMISSED for lack of jurisdiction. Defendant has not asserted a retroactive change in law or presented newly discovered evidence supporting his successive motion for relief from judgment as required by MCR 6.502(G)(2), and he may not appeal the denial of a successive motion for relief from judgment, MCR 6.502(G)(1).

It is further ordered that the motion to remand for an evidentiary hearing pursuant to *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973), is DENIED as moot since this Court lacks jurisdiction to consider the underlying delayed application for leave to appeal.

The motion to waive fees is GRANTED and fees are WAIVED for this case only.



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

NOV 25 2015

Date


Chief Clerk