

# Court of Appeals, State of Michigan

## ORDER

People of MI v Gregory Garner

Docket No. 342127

LC No. 97-005270-01-FC

Michael J. Riordan  
Presiding Judge

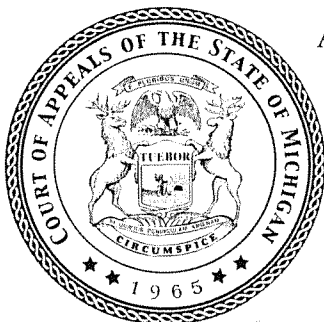
Christopher M. Murray

Cynthia Diane Stephens  
Judges

---

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

The delayed application for leave to appeal is DISMISSED . Defendant's motion for resentencing to correct an invalid sentence and challenge OV's and guidelines, filed long after the time to appeal by right or by leave had passed, should have been characterized as a successive motion for relief from judgment under MCR subchapter 6.500. MCR 6.429(B)(4). As defendant did not assert a retroactive change in the law that occurred after his first motion for relief from judgment or a claim of new evidence that was not discovered before that first motion, he was precluded from filing his successive motion for relief from judgment and may not appeal the denial of his motion. MCR 6.502(G).



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

JUN 21 2018

Date

Chief Clerk