

# Court of Appeals, State of Michigan

## ORDER

People of MI v Joseph B Arnold II

Docket No. 276891

LC No. 96-013599-01

Bill Schuette  
Presiding Judge

Richard A. Bandstra

Patrick M. Meter  
Judges

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The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED since all motions filed after the expiration of a criminal defendant's appellate rights are by definition motions for relief from judgment under MCR 6.500 *et seq.* even if the defendant mislabeled the motion. MCR 6.501. The circuit court's improper treatment of the present and earlier motions as something other than a motion for relief from judgment is not binding on this Court since neither the parties nor the lower courts may give this Court jurisdiction where none exists. *Bowie v Arder*, 441 Mich 23, 56; 490 NW2d 568 (1992).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 28 2007

Date

*Sandra Schultz Mengel*

Chief Clerk