

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v John D Ceasar**
Docket No. **278026**
L.C. No. **02-006207 & 02-006208**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

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

The delayed application for leave to appeal and motion for peremptory reversal are DISMISSED for lack of jurisdiction because the defendant cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). Regardless of the title placed on defendant's last pleading in the circuit court; it constituted a motion for relief from judgment. See MCR 6.501. Furthermore, defendant is not entitled to DNA testing of any evidence since he was not convicted at trial. See MCL 770.16(1).



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

MAY 31 2007

Date

Sandra Schultz Mengel

Chief Clerk