

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Brian Edward Grace**
Docket No. **278217**
L.C. No. **94-000093-FC**

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

The delayed application for leave to appeal is **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). The defendant has not demonstrated that he can satisfy the four-prong test for newly discovered evidence, nor has he demonstrated that the newly discovered evidence occurred after the 2002 denial of his second motion for relief from judgment. See MCR 6.502(G)(2).



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

JUL - 3 2007

Date

Sandra Schultz Mengel
Chief Clerk