

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v William Sim Spencer**
Docket No. **279167**
L.C. No. **2001-180525-FH**

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 application for leave to appeal, motion for immediate consideration, motion to amend application for leave to appeal, and motion for release on personal recognizance 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 any title placed on the pleadings, the pleadings constitute a motion for relief from judgment. See MCR 6.501. Lastly, the fact that the Supreme Court ordered a resentencing on the appeal of the denial of the first motion for relief from judgment does not give the defendant a third appeal to challenge his guilty plea with reasons unrelated to the first motion for relief from judgment.



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

AUG 30 2007

Date

Sandra Schultz Mengel

Chief Clerk