

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Walter James Kinard**  
Docket No. **281191**  
L.C. No. **86-009211**

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 and motion to appoint counsel are DISMISSED for lack of jurisdiction because the defendant cannot appeal the denial or rejection or a successive motion for relief from judgment. See MCR 6.502(G)(1). The trial court and the parties lacked the authority to circumvent MCR 6.502(G)(1) by erroneously labeling the 2002 motion, which was filed 5 years after the denial of the first motion for relief from judgment, as an amended motion for relief from judgment. It was a successive motion for relief from judgment. See *People v Mehall*, 454 Mich 1 (1997) and MCR 7.208(C)(1).



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

NOV 21 2007

Date

*Sandra Schultz Mengel*

Chief Clerk