

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Kevin Louis Chandler**

Docket No. **284929**

L.C. No. **88-010966-03-FC**

Henry William Saad, 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 is DISMISSED because defendant cannot appeal the denial of a successive motion for relief from judgment. See MCR 6.502(G)(1). Defendant has filed numerous motions for relief from judgment and applications for leave to appeal from the resulting trial court orders. See Nos. 168820, 196522, 215778, and 266918. Regardless of the title placed on the motion in this case, it sought a change in the judgment of sentence and that can only be accomplished by a motion for relief from judgment. See MCR 6.501. The title of the motion is not controlling. See *People v Mehall*, 454 Mich 1 (1997). Defendant admits to having knowledge of the order of restitution as early as 1997. Because defendant knew about that order prior to the motion for relief from judgment in No. 266918, he is barred from challenging that order now. See MCR 6.502(G)(2).



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

JUN - 5 2008

Date

Sandra Schultz Mengel

Chief Clerk