

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Derry Thomas**
Docket No. **285996**
L.C. No. **88-014912-01-FC**

Christopher M. Murray, Chief Judge Pro Tem, 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 defendant's attempt to appeal the circuit court's April 30, 2008 rejection of his successive motion for relief from judgment is barred by MCR 6.502(G)(1). The exceptions provided by MCR 6.502(G)(2) are inapplicable because defendant has not advanced claims of a retroactive change in law or newly discovered evidence since the rejection of his immediately preceding motion for relief from judgment.

The motion to remand for an evidentiary hearing and the motion to remand for appointment of appellate counsel are **DENIED** as moot.



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

AUG 27 2008

Date

Sandra Schultz Mengel

Chief Clerk