

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Rufus Delano Harris**

Docket No. **286608**

L.C. No. **92-034666-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. Defendant may not appeal the April 2, 2008 circuit court order denying his "motion to correct sentence" because that order constituted a denial of a successive motion for relief from judgment. MCR 6.502(G)(1). The exception provided by MCR 6.502(G)(2) is inapplicable because the successive motion was not predicated on a retroactive change in the law or a claim of newly discovered evidence.

The motion to remand is **DENIED** as moot.



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

OCT - 9 2008

Date

*Sandra Schultz Mengel*

Chief Clerk