

Court of Appeals, State of Michigan

ORDER

People of MI v Terrance Scott Belcher

Docket No. 305378

LC No. 08-005687-FC

William B. Murphy, C.J.
Presiding Judge

David H. Sawyer

Joel P. Hoekstra
Judges

The motion to waive the filing fees is GRANTED for this case only.

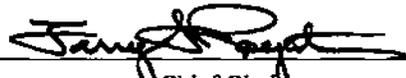
Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that the decision of the trial court to treat defendant's motion for relief from judgment as a successive motion is PEREMPTORILY REVERSED and its June 30, 2011, order effectuating that ruling is VACATED. Although defendant has filed numerous post-judgment motions, none of those motions directly challenge the validity of defendant's judgment of conviction and sentence. A motion for relief from judgment subjects the judgment of conviction and sentence to post-judgment attack. MCR 6.501. Moreover, the register of actions identifies only one motion for relief from judgment and that was the motion filed on June 23, 2011. This matter is REMANDED to the trial court for the purpose of addressing the merits of defendant's motion for judgment relief. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

OCT 06 2011

Date


Chief Clerk