

Court of Appeals, State of Michigan

ORDER

People of MI v Kevin Allen-Jermaine Brown

Docket No. 329146

LC No. 04-012409-FC

Michael J. Riordan
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens
Judges

The delayed application for leave to appeal the Wayne Circuit Court's August 5, 2015 order is DISMISSED for lack of jurisdiction. Defendant has not asserted a retroactive change in law or presented newly discovered evidence supporting his successive motion for relief from judgment as required by MCR 6.502(G)(2), and he may not appeal the denial of a successive motion for relief from judgment, MCR 6.502(G)(1).

The motion to remand for an evidentiary hearing¹ is DENIED as moot since this Court lacks jurisdiction to consider the underlying delayed application for leave to appeal.

The motion to waive fees is GRANTED and fees are WAIVED for this case only

Stephens, J. would deny the delayed application for leave.

¹ This Court is not bound by defendant's styling this motion as one to expand the record. See *Norris v Lincoln Park Police Officers*, 292 Mich App 574, 582; 808 NW2d 578 (2011) (the Court is not bound by party's choice of labels).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

DEC 16 2015

Date

Jerome W. Zimmer Jr.
Chief Clerk