

STATE OF MICHIGAN
COURT OF APPEALS

TREMAIN VERNON JONES,

Plaintiff-Appellant,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee.

UNPUBLISHED

January 22, 2013

No. 309182

Ionia Circuit Court

LC No. 2011-028795-AH

Before: OWENS, P.J., and FITZGERALD and RIORDAN, JJ.

MEMORANDUM.

Plaintiff appeals as of right the trial court's order denying his motion for summary disposition. We affirm.

Plaintiff filed his motion for summary disposition after the trial court denied the writ of habeas corpus. The order denying the writ of habeas corpus, however, stated that it "resolves the last pending claim and closes the case." Hence, plaintiff's motion for summary disposition, filed after the final order that resolved the last pending claim, was procedurally improper, as the case was closed. Moreover, even if plaintiff had appealed from the denial of the writ of habeas corpus, this would not be an appeal as of right. "Orders of denial in habeas corpus proceedings are not appealable as of right. They may be renewed by filing an original complaint in the Court of Appeals." *Triplett v Deputy Warden*, 142 Mich App 774, 779-780; 371 NW2d 862 (1985). Plaintiff failed to file an original complaint in this Court for habeas relief.

Furthermore, even if we were to construe this as an appeal as of right from the trial court's order denying plaintiff's motion for summary disposition, his claims still fail.¹ Regardless of the improper service issue, the habeas petition was properly denied.² "[T]o qualify for habeas corpus relief, the jurisdictional defect must be radical, rendering the conviction

¹ "This Court reviews a trial court's order on a motion for summary disposition de novo." *Bennett v Detroit Police Chief*, 274 Mich App 307, 310; 732 NW2d 164 (2006).

² "It is axiomatic that we will not reverse when the lower courts have reached the correct result, even when they have done so for the wrong reason." *Dybata v Wayne Co*, 287 Mich App 635, 647; 791 NW2d 499 (2010).

absolutely void.” *Moses v Dept of Corr*, 274 Mich App 481, 486; 736 NW2d 269 (2007). Plaintiff alleges that the arrest warrant was invalid because it relied on conclusory language and was not accompanied by a complaint or affidavit, which deprived the trial court of jurisdiction. However, “an illegal arrest or arrest warrant issued on defective procedure will not divest a court of jurisdiction when the court has jurisdiction over the charged offense and the defendant appears before the court.” *Porter v Porter*, 285 Mich App 450, 462; 776 NW2d 377 (2009). Thus, plaintiff has failed to establish that any defect in the warrant divested the trial court of jurisdiction.

Plaintiff also alleges that the judge who issued the warrant was guilty of misconduct in office. Yet, plaintiff has presented no evidence that the judge acted with “a corrupt intent, i.e., with a sense of depravity, perversion or taint.” *People v Perkins*, 468 Mich 448, 456; 662 NW2d 727 (2003) (quotations marks and citation omitted). Accordingly, plaintiff has failed to demonstrate any violation of his right to due process or any errors requiring reversal.

Affirmed.

/s/ Donald S. Owens
/s/ E. Thomas Fitzgerald
/s/ Michael J. Riordan