Court of Appeals, State of Michigan

ORDER

People of MI v Larry Baker

Docket No. 301004

LC No. 02-010253-FC

Kurtis T. Wilder
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The Court further orders that the delayed application for leave to appeal the October 1, 2010, order from the Wayne Circuit Court is DISMISSED for lack of jurisdiction. Because defendant previously appealed his conviction as of right, he could seek relief in the circuit court only under the procedures provided by Subchapter 6.500 of the Michigan Court Rules. See MCR 6.429(B)(4). Accordingly, this Court examined defendant's application seeking leave from the circuit court's denial of his motion for remand to correct an invalid sentence under the standards set forth in MCR 6.508(D). Defendant already has filed a motion for relief from judgment and cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). None of the exceptions found in MCR 6.502(G)(2) are applicable.

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

DEC 29 2010

Date

Sandra Schultz Mengel

Chief Clerk