

STATE OF MICHIGAN
IN THE THIRD CIRCUIT COURT FOR THE COUNTY OF WAYNE
CRIMINAL DIVISION

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v.

Case No: A144 505-FY
Hon. David A. Groner
As successor to the
Hon. Samuel H. Olsen

SAMUEL LEWIS SURLES,

Defendant.

ORDER DENYING MOTION FOR NEW TRIAL

At a session of Court held at the Frank Murphy Hall
of Justice in the City of Detroit, Wayne County,

Michigan, on: Aug 20, 2015

PRESENT: Hon. David A. Groner

This matter comes before the Court on the defendant's Motion for New Trial, filed in this Court on March 27, 2015. Pursuant to MCR 6.431(1) and MCR 7.208(B)(1), the time for filing a Motion for a New Trial is "[n]o later than 56 days after the commencement of the time for filing the defendant-appellant's brief as provided by MCR 7.212(A)(1)(a)(iii)" or, if the defendant fails to file a timely claim of appeal, the Motion for New Trial must be filed within 6 months of entry of the judgment of conviction and sentence. In this case, the Judgment of Conviction and Sentence was entered on February 14, 1969. Because more than 6 months has passed, Defendant's Motion for New Trial is not timely and must be denied.

Inasmuch as Defendant's Motion for New Trial can be considered a Motion for Relief from Judgment, it is a subsequent Motion for Relief from Judgment, which is not permitted pursuant to MCR 6.500 et seq. The Court was advised in the premises and found that the defendant previously filed a Motion for Relief from Judgment in on December 14, 2001, which

was denied on May 15, 2002. He filed a subsequent Motion for Relief from Judgment on June 4, 2002, which was denied on December 9, 2002.

The defendant is entitled to only one motion for relief from judgment. MCR 6.502(G). The court orders that the defendant's Motion for New Trial, inasmuch as it is a 6.500 Motion for Relief from Judgment, is dismissed for failure to meet the requirements that would entitle him to file a subsequent motion for relief from judgment. *Id.*

02-20-15

Date


Hon. David A. Groner

Appendix B

STATE OF MICHIGAN
IN THE THIRD JUDICIAL CIRCUIT COURT FOR THE COUNTY OF WAYNE
CRIMINAL DIVISION

PEOPLE OF THE STATE OF MICHIGAN
Plaintiff,

v.

Case No: A144-505
Hon. David A. Groner

SAMUEL LEWIS SURLES
Defendant,

ORDER DISMISSING MOTION TO RECONSIDER

At a session of Court held at the Frank Murphy Hall of Justice, in the
City of Detroit, County of Wayne, State of Michigan, on:

DATE: 30 June 2016

PRESENT: Honorable David A. Groner

Following his 1969 jury conviction for first degree murder, defendant has filed NUMEROUS appeals and other post-conviction motions. The current matter before the Court regards defendant's motion to reconsider the 21 August 2015 denial of his motion for new trial brought pursuant to MCL 770.1.

MCR 6.431(A)(4) – New Trial:

If the defendant is no longer entitled to appeal by right or by leave, the defendant may seek relief pursuant to the procedure set forth in subchapter 6.500.

MCR 6.502(G)(1) – Successive Motions:

Except as provided in sub rule (G)(2), regardless of whether a defendant has previously filed a motion for relief from judgment, after August 1, 1995, one and only one motion for relief from judgment may be filed with regard to a conviction. The court shall return without filing any successive motions for relief from judgment. A defendant may not appeal the denial or rejection of a successive motion.

As the court is not persuaded by the issues presented, and as defendant is no longer entitled to appeal by right or by leave, and as defendant has previously filed motions pursuant to MCR 6.500 et seq, the court will hereby DISMISS defendant's motion to reconsider.

IT IS SO ORDERED.

DATE: 6-30-16

SIGNED: 

Honorable David A. Groner (P37921)

Received
07.08.2016

Court of Appeals, State of Michigan
ORDER

Appendix C

People of MI v Samuel Lewis Surles

Docket No. 334043

LC No. 144505 FY

Michael J. Talbot, Chief Judge, acting under MCR 7.203(F)(1), orders:

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

The delayed application for leave to appeal is DISMISSED. No appeal may be taken from the denial or rejection of a successive motion for relief from judgment. MCR 6.502(G)(1).

Michael Talbot

Received
10.10.2016



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

OCT - 5 2016

Date

Jerome W. Zimmer Jr.
Chief Clerk



Michigan Supreme Court
Office of the Clerk
Michigan Hall of Justice
P.O. Box 30052
Lansing, Michigan 48909
Phone (517) 373-0120

Appendix D

November 23, 2016

SAMUEL LEWIS
#122260
#1576 W BLUEWATER HWY
IONIA, MI 48846

Re: People v SAMUEL LEWIS, Supreme Court No. 154798
Court of Appeals No. 334043
Trial Court No. Wayne Cri 00-144505-FY

SAMUEL LEWIS,

Your application for leave to appeal from a decision of the Court of Appeals has been received by the Supreme Court and accepted for filing. By copy of this letter, the prosecuting attorney is advised that your filing is complete. If the prosecuting attorney chooses to file an answer to the application, it is due on or before 12/19/2016. MCR 7.305(D). You have the right to file a reply to an answer within 21 days after the date of service. MCR 7.305(E).

Once all pleadings have been filed in the case, or the time for doing so has passed, the case will be submitted to the Court for a decision. Most cases are decided within seven to eight months of filing. That time may be shorter or longer depending on the Court's workload and the complexity of the case.

When the Court issues a decision, this office will provide a copy to all parties of record.

LARRY ROYSTER
Supreme Court Clerk

cc: Solicitor General
JASON W WILLIAMS ASST PROS, Wayne Cri

Received
11.28.2016

Order

June 27, 2017

154798

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SAMUEL LEWIS SURLES,
Defendant-Appellant.

Appendix E

Michigan Supreme Court
Lansing, Michigan

Stephen J. Markman,
Chief Justice

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen
Kurtis T. Wilder,
Justices

SC: 154798
COA: 334043
Wayne CC: 00-144505-FY

On order of the Court, the application for leave to appeal the October 5, 2016 order of the Court of Appeals is considered, and it is DENIED, because the defendant's motion for relief from judgment is prohibited by MCR 6.502(G).

RECEIVED
06.30.2017



s0619

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 27, 2017

Clerk