

STATE OF MICHIGAN
COURT OF APPEALS

MAURICE CHAMBERS,

Petitioner-Appellant,

v

MICHIGAN PAROLE BOARD, CHARLES E.
BRADDOCK and BARBARA QUEEN-
JOHNSON,

Defendants-Appellees.

UNPUBLISHED

March 16, 2004

No. 241920

Wayne Circuit Court

LC No. 02-208557-AA

Before: Sawyer, P.J., and Saad and Bandstra, JJ.

MEMORANDUM.

On February 11, 2002, the Michigan Parole Board denied petitioner parole. Petitioner sought leave to appeal with the Wayne Circuit Court. The circuit court denied leave, stating that it did not have jurisdiction to hear petitioner's appeal. Petitioner sought leave to appeal from this Court and it was granted. Petitioner contends that the lower court has jurisdiction to hear inmate parole appeals and that amendments to the Department of Corrections Act, MCL 791.201 *et seq.*, and the Michigan Court Rules did not eliminate those appeals. We disagree.

"Parole eligibility is governed by statute and the interpretation and application of statutes is reviewed de novo." *Jackson v Dep't of Corrections*, 247 Mich App 380, 381; 636 NW2d 305 (2001). This Court has recently dispositively dealt with this issue in *Morales v Michigan Parole Board*, ___ Mich App ___, ___ NW2d ___ (Docket Nos. 239936 and 240458, issued December 16, 2003), which held, contrary to petitioner's position, that the amendments to MCL 791.234 and MCR 7.104(D) eliminated judicial appeals of parole denials. *Morales, supra*, slip op at 2-4. The Court clearly held that parole decisions are not reviewable by the judiciary under the Department of Corrections Act, Administrative Procedures Act, MCL 24.201 *et seq.*, or the Revised Judicature Act, MCL 600.631 *et seq.* *Morales, supra* at 12.

We must follow the rule of law established by a prior published decision of this Court. MCR 7.215(J)(1); *Wiley v Henry Ford Cottage Hosp.*, 257 Mich App 488, 509; 668 NW2d 402 (2003). We note that *Morales* considered and rejected many of the arguments petitioner raises

here. Further, we conclude that the panel in *Morales* properly analyzed the statute and court rule and reached the correct result.

We affirm.

/s/ David H. Sawyer
/s/ Henry William Saad
/s/ Richard A. Bandstra