

STATE OF MICHIGAN
COURT OF APPEALS

In re PAROLE OF STANLEY DUANE FENNER.

STANLEY DUANE FENNER,

Petitioner-Appellant,

v

PAROLE BOARD,

Respondent-Appellee.

UNPUBLISHED

October 19, 2004

No. 247273

Ingham Circuit Court

LC No. 02-000970-AA

Before: Neff, P.J., and Smolenski and Schuette, JJ.

MEMORANDUM.

Petitioner sought leave to appeal denial of parole in the Ingham Circuit Court under MCL 600.631. Respondent Parole Board moved for dismissal on the grounds that the court lacked jurisdiction to hear the appeal under MCL 600.631. We granted leave to appeal and now affirm the trial court's dismissal.

Though petitioner acknowledges that the 1999 amendments to the Department of Corrections act, MCL 791.201 *et seq.*, eliminate an inmate's right to appeal a Parole Board decision by limiting such appeals to prosecutors and victims,¹ petitioner argues that the right to appeal remains under the provision of the Revised Judicature Act (RJA), MCL 600.101 *et seq.*, allowing generally for appeals to the circuit court from decisions of administrative agencies or officers, MCL 600.631, under which his complaint was filed. We disagree.

This Court has recently addressed the issue presented by petitioner in *Morales v Parole Bd*, 260 Mich App 29; 676 NW2d 221, lv den 470 Mich 885 (2003). Therein, the Court clearly held that parole decisions are not reviewable by the courts under the Department of Corrections act, MCL 791.201 *et seq.*, Administrative Procedures Act, MCL 24.201 *et seq.*, or the RJA. *Id.*, 34-40.

¹ MCL 791.234 as amended by 1999 PA 191.

Our court rules mandate that we must follow the rule of law established by a prior published decision of this Court issued after November 1, 1990. MCR 7.215(J)(1); *Wiley v Henry Ford Cottage Hosp*, 257 Mich App 488, 509; 668 NW2d 402 (2003). *Morales* considered and rejected the primary arguments petitioner raises here.

Petitioner further contends that the circuit court erred in denying him oral argument. However, petitioner did nothing to preserve this issue. Furthermore, our holding is determinative of this issue and we decline to address petitioner's further argument.

Affirmed.

/s/ Janet T. Neff

/s/ Michael R. Smolenski

/s/ Bill Schuette