IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Kerry E Spurlock**
Docket No. **259407**
L.C. No. **03-013546-FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal filed November 24, 2004, is DISMISSED for lack of jurisdiction because the claim was not filed within 42 days of the October 12, 2004 entry of the judgment of sentence as required by MCR 7.204(A)(2)(c). As a result, appellant may only challenge the judgment of sentence by filing a delayed application for leave to appeal under MCR 7.205.

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

JAN - 5 2005
Date

Sandra Schultz Mengel
Chief Clerk