Court of Appeals, State of Michigan

ORDER

People of MI v Clifford Nicholas Barden

Docket No. 266950

LC No. 99-000866-01

Kurtis T. Wilder
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly
Judges

The Court orders that the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented. MCR 2.119(A)(2) provides that except as permitted by the court, the combined length of any motion and brief may not exceed twenty pages. The rules of civil procedure apply to criminal cases except as otherwise provided by rule or statute, when it clearly appears that they apply to civil actions only, or when a statute or court rule provides a like or different procedure. MCR 6.001(D). MCR 6.502(C) governs the form of motions for relief from judgment, but it does not contain a provision that addresses the length of the motion. The absence of a page limitation does not constitute a different procedure that contradicts MCR 2.119(A)(2). The trial court has the discretion to allow a defendant to file a motion for relief from judgment that exceeds the twenty-limit limit. There is no showing that the trial court abused its discretion in this case.

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

JUN 12 2006
Date

Sandra Schultz Mengel
Chief Clerk