

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Schuyler Dion Chenault**

Docket No. **309466**

L.C. No. **2008-222726**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. The March 8, 2012, order is not a final order as defined in MCR 7.202(6)(b) and, therefore, it is not appealable of right. MCR 7.203(A)(1). Although judgment of sentence was entered on March 29, 2010, the subsequent grant of new trial operated to reverse the conviction and put the defendant back in a non-final, interlocutory position. See *Gusowski v Detroit Racing Ass'n Inc*, 130 Mich App 322, 324; 343 NW2d 536 (1983). The order granting new trial is not a "final order" because it does not affect with finality the rights of the parties in the subject matter of the dispute. *Gusowski, supra*. At this time, appellant may seek to appeal the March 8, 2012, order only by filing a delayed application for leave to appeal under MCR 7.205(F).



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 30 2012

Date


Chief Clerk