

Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V JOSEPH B PUERTAS

Docket No. 315802

LC No. 2013-009845-AR

Deborah A. Servitto
Presiding Judge

Kathleen Jansen

Elizabeth L. Gleicher
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the Oakland Circuit Court's March 29, 2013 order is VACATED and the delayed application for leave to appeal is REMANDED to the circuit court for consideration as on leave granted. The delayed application was filed within the six month period set by MCR 7.105(F)(2) and was accompanied by a statement of facts explaining the one-day delay. The circuit court abused its discretion by denying leave to appeal based solely upon the one-day delay in filing a timely appeal. *In re Brown*, 229 Mich App 496, 499 n 1; 582 NW2d 530 (1998); *People v Flowers*, 191 Mich App 169, 172; 477 NW2d 473 (1991). This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

NOV 25 2013

Date


Chief Clerk