

Court of Appeals, State of Michigan

ORDER

In Re Damon Marquis Patterson

Docket No. **320754**

LC No. **2012-385201-DJ**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction for the reason that there is no appeal of right in a case involving a sentence of incarceration following probation revocation where the underlying conviction was the result of a plea of guilty or nolo contendere. MCR 6.445(H)(1). Respondent pled guilty to a “designated” charge of Larceny from Person under MCL 712A.2d, which provides that proceedings under this section are “criminal proceedings.” Therefore, while a delinquency proceeding is, in general, a civil action under MCR 712A.1, there is an exception to this rule for “designated” criminal cases under MCL 712A.2d. Therefore, the appeal must come by application for leave to appeal under MCR 7.205.



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

MAR 31 2014

Date


Chief Clerk