

Court of Appeals, State of Michigan

ORDER

Stanley G Denhof v Charles B Covello

Docket No. 326929

LC No. 13-007919-CZ

Kathleen Jansen
Presiding Judge

Amy Ronayne Krause

Michael F. Gadola
Judges

The Court orders that the motion for reconsideration is DENIED. The plain language of MCR 7.204(A)(2)(e), particularly its placement in MCR 7.204(A)(2), makes its "prison mailbox" rule applicable only to criminal claims of appeal. This is underscored by the lack of a prison mailbox rule in MCR 7.204(A)(1) which applies to civil claims of appeal. Further, the analogous prison mailbox rule for applications for leave to appeal in MCR 7.205(A)(3) includes language making it applicable only to an application "in a criminal case," thereby reflecting a decision by the Michigan Supreme Court to adopt the prison mailbox rule only for criminal claims of appeal and applications for leave to appeal. It is true that the staff comment corresponding to these prison mailbox rules includes inaccurate language indicating that it applies to civil cases. However, the actual language of the court rules is controlling, not the inaccurate staff comment.



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

JUL 08 2015

Date

Chief Clerk