

Court of Appeals, State of Michigan

ORDER

People of MI v Jason Tarell Slater

Docket No. **336568**

LC No. **16-004327-FH**

Michael J. Talbot, Chief Judge, acting under MCR 7.203(F)(1), orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction. Even considering the prison mailbox rule of MCR 7.205(A)(3) the delayed application was not timely filed under MCR 7.205(G)(3) because it was not deposited for mailing by appellant within six months after entry of the June 29, 2016 judgment of sentence since the proof of service indicates that appellant mailed the delayed application on January 3, 2017. Further, the delayed application cannot be considered timely under MCR 7.205(G)(4). Particularly, while appellant indicates that he filed a timely motion to withdraw his plea in the trial court, he also indicates that the trial court has not ruled on that motion. Thus, the delayed application has not been filed within 21 days after entry of a trial court order deciding a motion to withdraw appellant's plea. The Court notes that, if appellant has actually filed a timely motion to withdraw his plea in the trial court, he may file a delayed application for leave to appeal the June 29, 2016 judgment of sentence within 21 days after entry of the trial court's order deciding that motion under MCR 7.205(G)(4) if he does not obtain his desired relief in the trial court's disposition of the motion.



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

JAN 31 2017

Date


Chief Clerk