

**Court of Appeals, State of Michigan**

**ORDER**

**People of MI v Steven Anthony Fisher**

Docket No.   **336902**

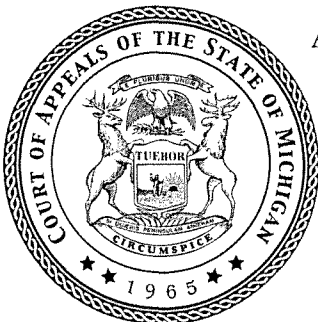
LC No.       **2016-000801-FH**

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Michael F. Gadola, Judge, acting under MCR 7.211(E)(2), orders:

Appellee's motion filed on June 8, 2017 is recognized as a motion for oral argument, and the motion is GRANTED because appellee's brief was filed within the standard period for allowing an extension on motion. Indeed, appellee's brief was filed only one business day late.

However, the Court notes that appellee is incorrect in asserting that a brief cannot be served until it is filed. To the contrary, MCR 2.107(C)(3) expressly provides that service on another attorney or party by United States mail is complete at the time of mailing. It is inherent in this rule that the date of mailing indicated in a facially proper proof of service for a brief must be accepted as presumptively accurate. Further, where copies of a brief are served on opposing counsel and mailed by United States mail to this Court on the same date, that date is the date of service on opposing counsel even though the date of filing in this Court is not until the later date the brief is received by this Court per MCR 7.202(2). Also, the court rules do not impose any requirement on a party to either file or serve documents through this Court's voluntary electronic filing system. Moreover, any alleged inaccurate information from unidentified Clerk's Office staff cannot vary the actual due date for an appellee's brief under the plain language of MCR 7.212(A)(2).



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

**JUN 14 2017**

Date

  
Chief Clerk