

Court of Appeals, State of Michigan

ORDER

People of MI v Samuel Keith Thurman

Docket No. 340296

LC No. 87-057189-FC

Patrick M. Meter
Presiding Judge

Michael J. Kelly

Brock A. Swartzle
Judges

This case returns to this Court on remand from the Michigan Supreme Court. This Court administratively dismissed defendant's delayed application for leave pursuant to MCR 7.205(G). *People v Thurman*, unpublished order of the Court of Appeals, entered October 11, 2017 (Docket No. 340296). Defendant sought leave in the Supreme Court, which in lieu of granting leave to appeal, remanded the case "for consideration of whether defendant's delayed application for leave to appeal was timely filed by virtue of the prison mailbox rule, MCR 7.205(A)(3). *Thurman*, ___ Mich ___; 913 NW2d 312 (2018)."

This Court requested that defendant provide a sworn statement setting forth the date of deposit of his delayed application for leave to appeal and stating that first-class postage had been prepaid. Defendant having filed a conforming response, the delayed application for leave to appeal is REINSTATED.

The Court orders that the delayed application for leave to appeal is DENIED because defendant has failed to establish that the trial court erred in denying the motion for relief from judgment.



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

AUG 29 2018

Date


Chief Clerk