

Court of Appeals, State of Michigan

ORDER

People of MI v Dale Lewis Serbay

Docket No. **340963**

LC No. **2015-020263-FH**

Christopher M. Murray, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because it was not timely filed under MCR 7.204(A)(2)(d) since the motion for a new trial was not timely filed in the trial court under MCR 6.431(A)(3) within six months after entry of the March 15, 2017 judgment of sentence. The Court further notes that the claim of appeal cannot properly be treated as a delayed application for leave to appeal the March 15, 2017 judgment of sentence because it was not filed within six months after entry of the judgment of sentence, MCR 7.205(G)(3), and, as indicated, the motion for a new trial was not filed within the time allowed by MCR 6.431(A), MCR 7.205(G)(4). Rather, if defendant deems it appropriate, he may seek relief by filing a motion for relief from judgment in the trial court under Subchapter 6.500 of the Michigan Court Rules. MCR 6.431(A)(4).



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

JUN 06 2018

Date


Chief Clerk