Court of Appeals, State of Michigan

ORDER

People of MI v Edwin Carl Criswell

Docket No. 270505

LC No. 93-002833-01

Kurtis T. Wilder
Presiding Judge

Helene N. White

Christopher M. Murray
Judges

The Court orders that the motion to dismiss is GRANTED to the extent that the Court concludes that it lacks jurisdiction for an appeal of right. The Court lacks jurisdiction for an appeal of right because the appeal is from an order denying a motion for relief from judgment that must come by application for leave to appeal filed pursuant to MCR 7.205. MCR 6.509(A). However, in lieu of dismissing the appeal, the Court considers the claim of appeal and appellant's brief on appeal as an application for leave to appeal and GRANTS leave to appeal limited to the issue raised in appellant's brief. Since appellant's brief has been treated as a brief in support of an application for leave to appeal and the brief does not reference several relevant transcripts that were filed after appellant's brief was filed, the Court orders appellant's brief STRICKEN and orders defendant-appellant to file a replacement brief on appeal within 28 days after the Clerk's certification of this order.

The motion to file a late answer to the motion to dismiss is GRANTED.

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR - 1 2007
Date

Sandra Schultz Mengel
Chief Clerk