

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Terry Loyd Ganske**
Docket No. **275705**
L.C. No. **04-092209 FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal filed January 23, 2007 is DISMISSED for lack of jurisdiction because it was not filed within 42 days of the October 2006 judgment of sentence as required by MCR 7.204(A)(2)(c) and because a denial of a motion for relief from judgment is not appealable by right. See MCR 6.509(A). Obviously, the motion that was filed on October 3, 2006, that could only have challenged the first sentencing, does not toll the time period to appeal the resentencing that occurred later on October 9, 2006. The Court would note that there was no written amended motion or new motion filed after the resentencing. Any appeal by the appellant must be by application for leave to appeal under MCR 7.205.



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

FEB 15 2007

Date

Sandra Schultz Mengel
Chief Clerk