

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v John Michael Duke**
Docket No. **276724**
L.C. No. **05-001234-FC**

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

The motion to allow right of appeal is DENIED because the Court of Appeals lacks the authority to extend the time to file the claim of appeal because the timely filing of a claim of appeal is jurisdictional. See MCR 7.204(A) and MCR 7.216(B).

The claim of appeal is DISMISSED for lack of jurisdiction because the claim was not filed within 42 days of the order denying a timely request for counsel as required by MCR 7.204(A)(2) (b). As a result, appellant may only challenge the judgment of sentence by filing an application for leave to appeal under MCR 7.205.



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

MAR 21 2007

Date

Sandra Schultz Mengel

Chief Clerk