

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Chad Dwaine Cummings**
Docket No. **277873**
L.C. No. **06-406086-FC**

E. Thomas Fitzgerald, Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal received May 4, 2007, is **DISMISSED** for lack of jurisdiction because the judgment of sentence was not a final order at the time that the claim was filed. If an appellant files a motion for a new trial, reconsideration, rehearing, or similar postjudgment relief within 42 days of the entry of a final order, the finality of the order is suspended until the trial court denies that motion. An appeal as of right may then be claimed from the final order. See MCR 6.425(G)(1). According to the register of actions the motion for new trial was filed on March 26, 2007, and no order has been entered disposing of it.



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

JUL 20 2007

Date

Sandra Schultz Mengel

Chief Clerk