

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Roderick Duane Cross**
Docket No. **279066**
L.C. No. **06-008182-FH**

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

The claim of appeal 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 relief the finality of the order is suspended until the trial court decides that motion, which would also including dismissing it for failure of defendant to pursue the motion. An appeal as of right may then be claimed from the final order after entry of the order deciding the motion. A claim of appeal that is filed before the entry of the order is a premature claim.



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

AUG - 1 2007

Date

Sandra Schultz Mengel

Chief Clerk