

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Thomas Edward Powelke II**  
Docket No. **280901**  
L.C. No. **05-011784-FH**

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

The delayed application for leave to appeal filed September 26, 2007, is DISMISSED for lack of jurisdiction because appellant failed to file the application within 12 months of the September 2005 judgment of sentence/decision regarding restitution as required by MCR 7.205(F)(3). Even though the postjudgment motion challenging restitution was timely filed within 12 months due to counsel being appointed in 2005, this application was not timely filed since it was not filed within 21 days of the November 20, 2006 order as required by MCR 7.205(F)(4). The order of November 20, 2006, did not start anew the time period to file an application for leave to appeal.



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

**OCT 15 2007**  
Date

*Sandra Schultz Mengel*  
Chief Clerk