

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **People of MI v Gary James Vowell**  
Docket No. **281002**  
L.C. No. **06-004213 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 October 4, 2007, is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the June 22, 2006, judgment of sentence as required by MCR 7.205(F)(3). Furthermore, defendant cannot satisfy either exception found in MCR 7.205(F)(4). First, the motion for resentencing was not filed within 6 months of the judgment of sentence, nor was this application filed within 21 days after denial of that motion. Under the second exception, at best defendant would have had only until July 20, 2007, 42 days after counsel was allowed to withdraw on June 8, 2007, to file this application for leave for leave to appeal. See MCR 7.205(F)(4)(c). Requesting additional transcripts did not extend the time period to file the application for two reasons. First, those transcripts were not appropriate for this appeal because the motion for resentencing was untimely filed. Second, the transcripts were not requested within the required 28 days as defendant himself admits that the first request was not even sent out until July 8, 2007, which is 30 days after June 8, 2007 (the register of actions dated July 17, 2007, does not show any receipt of a request). See MCR 7.205(F)(4)(b).



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

OCT 26 2007

Date

*Sandra Schultz Mengel*

Chief Clerk