IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People v Bruce Carl Toney**
Docket No. **274752**
L.C. No. **06-005298-01**

Brian K. Zahra, Judge, acting under MCR 7.217 and MCR 7.219(I), orders:

The above appeal is DISMISSED for want of prosecution, appellant having failed to timely file the brief on appeal.

Kevin Ernst, retained counsel for appellant, shall pay to the Clerk of this Court, within 21 days of the certification of this order, court costs in the sum of $250 for allowing this appeal to appear on the involuntary dismissal docket. Such costs are personal to the attorney and shall not be charged back to the defendant.

The Clerk's Office is directed to mail a copy of this order to defendant, who is advised that MCR 7.217(D) provides a 21-day period in which to move for reinstatement of this appeal on a showing of mistake, inadvertence, or excusable neglect. Such a motion must be filed with this Court within 21 days of the Clerk's certification of this order.

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

APR 30 2008
Date

Sandra Schultz Mengel
Chief Clerk