

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Paul Burks**  
Docket No. **287053**  
L.C. No. **05-004164-01-FC**

Henry William Saad, Chief Judge, acting under MCR 7.211(E)(2), orders:

The motion for reconsideration is DENIED for lack of merit in the grounds presented.

The plain language of MCR 7.205 applies to all parties who want to file either an application or a delayed application in this Court. Appellant's reliance upon MCR 6.509(A)(1) as a limitation on the scope of MCR 7.205 is misplaced because the former rule only informs the criminal defendant that he cannot extend the time to file an appeal after the circuit court has denied his motion by utilizing another section of MCR 6.500 *et seq.* To say it another way, a criminal defendant must follow the requirements of MCR 7.205 when he files either an application within twenty-one days of the entry of the order appealed or a delayed application for leave to appeal filed within twelve months from the entry of the order appealed. To do otherwise invites a dismissal of the appeal on the ground that it is not being pursued in accordance with the court rules. MCR 7.201(B)(3) and MCR 7.216(A)(10).



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

NOV 17 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk