

Court of Appeals, State of Michigan

ORDER

People of MI v Wayne Michael Rinkevicz

Docket No. **327069**

LC No. **12-171060-FH**

Michael J. Talbot, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is **DISMISSED** for lack of jurisdiction because the order appealed from, the circuit court's March 25, 2015 order denying defendant's application to set aside conviction dated August 20, 2002, is not a final order appealable as of right. MCR 7.202(6)(b). An appeal of right in a criminal case must be taken within 42 days after entry of the judgment of sentence, 42 days after entry of an order deciding a motion for new trial, a motion for directed verdict of acquittal, or motion to correct an invalid sentence that was filed within the initial 42-day appeal period; or 42 days after entry of an order denying a timely request for the appointment of appellant counsel, if that motion was filed within 42 days after entry of the judgment of sentence. MCR 7.204(A)(2). In this case, the Court lacks jurisdiction because there is no appeal of right from an order disposing of a postjudgment motion filed more 42 days after the time provided in MCR 7.204(A)(2).

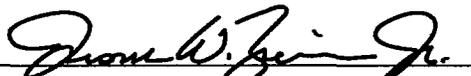
As a result, appellant may only challenge the March 25, 2015 order by filing a delayed application for leave to appeal under MCR 7.205(G).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAY 05 2015

Date


Chief Clerk