

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Russell Charles Govett IV**
Docket No. **279208**
L.C. No. **05-001981-FC**

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 July 12, 2007, is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the February 2006 judgment of sentence as required by MCR 7.205(F)(3). The appellant would have had 12 months to file the application from the July 31, 2006 order only if the motion for resentencing had been filed within 21 days of the judgment of sentence. See MCR 7.205(F)(3)(b). Otherwise, the defendant could only file the application within 12 months of the judgment of sentence or 21 days after the July 31, 2006 order whichever was latest. See MCR 7.205(F)(3) and (4).



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

AUG 30 2007

Date

Sandra Schultz Mengel

Chief Clerk