

# Court of Appeals, State of Michigan

## ORDER

**People of MI v Theresa Lynn Rogers**

Docket No. **318392**

LC No. **07-008450-FH**

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David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the September 13, 2013 order denying a motion for reconsideration is not a final order appealable of right. MCR 7.202(6)(b); MCR 7.203(A). Further, the claim of appeal cannot be saved by treating it as being taken from the underlying August 15, 2013 order. First, the claim of appeal was not timely filed as to that order under MCR 7.202(A)(2)(b) and the other time periods provided by MCR 7.202(A)(2) are plainly inapplicable. In addition, the August 15, 2013 order is not a final order appealable of right under any of the definitions provided by MCR 7.202(6)(b). MCR 7.203(A)(1). Also, even if the August 15, 2013 order were a final order under MCR 7.202(6)(b), it would not be appealable of right because defendant's conviction in this case is based on a plea of guilty to a crime committed after December 27, 1994. MCR 7.203(A)(1)(b). At this time, appellant may seek to appeal either the August 15, 2013 order or the September 13, 2013 order by filing a delayed application for leave to appeal under MCR 7.205(F).



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

**OCT 16 2013**

Date

Chief Clerk