Order

Michigan Supreme Court
Lansing, Michigan

Entered: April 23, 2002

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

2000-30

Amendment of Rule 7.205 of
the Michigan Court Rules

On order of the Court, notice of proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rule 7.205 of the Michigan Court Rules are adopted, to be effective September 1, 2002.

[The present language is amended as indicated below.]

Rule 7.205 Application for Leave to Appeal

(A) - (E) [Unchanged.]

(F) Late Appeal.

(1) - (2) [Unchanged.]

(3) Except as provided in subrule (F)(4), ~~if an application for~~ leave to appeal ~~is filed~~ may not be granted if an application for leave to appeal is filed more than 12 months after the later of:

(a) entry of a final judgment or other order that could have been the subject of an appeal of right under MCR 7.203(A), but if a motion described in MCR 7.204(A)(1)(b) was filed within the time prescribed in that rule, then the 12 months are counted from the entry of the order denying that motion; or

(b) entry of the order or judgment ~~on the merits, leave to appeal may not be granted~~ to be appealed from, but if a motion for new trial, a motion for rehearing or reconsideration, or a motion for other postjudgment relief was filed within the initial 21-day appeal period or within further time the trial court may have allowed during that 21-day period, then the 12 months are counted from the entry of the order denying that motion.

(4) [Unchanged.]

(G) [Unchanged.]

Staff Comment: The April 23, 2002, amendment of subrule (F)(3), effective September 1, 2002, broadens the instances in which a late application for leave to appeal can be filed in the Court of Appeals.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.