

## Michigan Parole Board Appeals Table

This is an aid to track appeal events. Consult court rules and statutes as needed.

See the Michigan Judicial Institute’s *Appeals & Opinions Benchbook*, Chapter 2.

**There is no appeal of right from the parole board. MCR 7.118(B). MCR 7.101–MCR 7.115 apply unless MCR 7.118 provides otherwise. MCR 7.118(A).**

Case Number: \_\_\_\_\_ Lower Case Number: \_\_\_\_\_  
 Appellant: \_\_\_\_\_ Appellant’s Attorney: \_\_\_\_\_  
 Appellee: \_\_\_\_\_ Appellee’s Attorney: \_\_\_\_\_

Task	Applicable Court Rule	Due Date (if applicable)	Compliance?
Review date of decision appealed. Application for leave to appeal must be filed within 28 days after decision mailed by parole board. Only the prosecutor or victim may apply for leave. The parole board may move to intervene as an appellee.	MCR 7.118(D)(1)-(2)		
The circuit court must decide to grant or deny leave within 28 days after application is filed. The circuit court must enter an order for a show cause hearing to determine if the prisoner will be released on parole pending appeal if a decision is not made by the court within 28 days. If a prosecutor or victim files an application for leave to appeal, the circuit court must appoint counsel for an indigent prisoner through the Michigan Appellate Assigned Counsel System.	MCR 7.118(D)(3) MCR 7.118(G)(1)-(2)		
<b>If the application is granted:</b>			
Consider whether to appoint counsel for defendant. See <i>In re Parole of Hill</i> , 298 Mich App 404, 427, 430 (2012).			
Appellant must file all documents required under MCR 7.104(D) and make service on the parole board as required under MCR 7.104(E) within 7 days after entry of order granting leave. A claim of appeal is not required.	MCR 7.105(E)(4)(a)-(b); MCR 7.118(H)		
Except for items omitted by written stipulation of the parties, the parole board must send copies of record to circuit court and parties within 14 days after service of order granting leave. Any other portion of the record on appeal must be processed according to MCR 7.109.	MCR 7.109; MCR 7.118(H)(1)(b)		
Appellee may file claim of cross-appeal within 14 days after service or order granting leave.	MCR 7.105(E)(4)(c)		

Task	Applicable Court Rule	Due Date (if applicable)	Compliance?
Appellant’s brief must be filed and served on all parties within 28 days after circuit court provides written notice that record has been filed. The circuit court may extend time on motion, or time may be extended by 14 days on stipulation and order.	MCR 7.118(H)(2)(a); MCR 7.111(A)(1)(a)		
If appellant fails to pursue appeal in conformity with court rules, circuit court sends notice of intent to dismiss unless deficiency rectified within 14 days. If appeal is dismissed, the circuit court must immediately send a copy of the order to the parties and the parole board. Appellant may move for reinstatement within 14 days of dismissal.	MCR 7.113(A); MCR 7.113(C)		
Appellee’s brief is optional, but if submitted, must be filed and served on all parties within 21 days after appellant’s brief was served. The circuit court may extend time on motion, or time may be extended by 14 days on stipulation and order.	MCR 7.118(H)(2)(b); MCR 7.111(A)(2)		
Appellant may file a reply brief within 14 days after appellee’s brief was served.	MCR 7.111(A)(3)		
Determine whether either party properly requested oral argument and whether deliberation will be significantly aided by oral argument; if so, schedule. Oral argument is forfeited for failure to timely file a conforming brief unless the circuit court grants motion to reinstate oral argument.	MCR 7.111(A)(6); MCR 7.111(C); MCR 7.114(A)		
The circuit court may, on party’s or its own motion, remand to parole board for explanation. The parole board must hear and decide within 28 days unless adjourned to obtain evidence or for other good cause. The time for filing briefs is tolled while remand is pending.	MCR 7.118(H)(4)		
The circuit court must decide appeal by oral or written opinion and issue order.	MCR 7.114(B)		
Circuit court must promptly send original record, certified copy of order, and any written opinion to (1) the clerk of the Court of Appeals, if timely application for leave is filed, or (2) the parole board, if no timely application for leave to appeal filed.	MCR 7.109(H)		