IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Sheila Marie Lively**
Docket No. **284567**
L.C. No. **04-011339-FH**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), orders:

The motion to extend time to file appellant's brief is GRANTED TO THE EXTENT that the time for filing appellant's brief is EXTENDED until December 1, 2008. The trial court lacks jurisdiction to decide the motion for a new trial that was filed on November 3, 2008, because the motion was not filed within the 56-day period allowed under MCR 7.208(B)(1). After the expiration of this 56-day period, a defendant-appellant must seek remand by motion filed under MCR 7.211(C)(1).

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

November 13, 2008
Date

Sandra Schultz Mengel
Chief Clerk