IN THE MICHIGAN COURT OF APPEALS

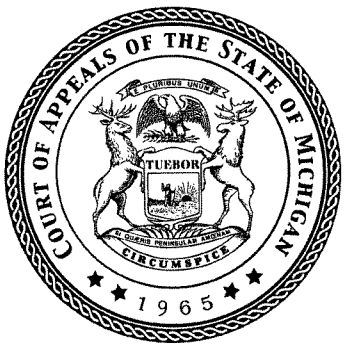
ORDER

Re: **People of MI v Michael J Bulger**
Docket No. **288312**
L.C. No. **2007-003573-FH**

Henry William Saad, Chief Judge, acting under MCR 7.201(B)(3) and 7.216(A)(10), orders:

The application for leave to appeal is DISMISSED for failure to pursue the case in conformity with the rules. MCR 7.201(B)(3) and 7.216(A)(10). The Clerk of this Court provided notice regarding the nature of the defect in the filing, and the defect was not corrected in a timely manner by providing this Court with a copy of the plea transcript. Dismissal is without prejudice to whatever other relief may be available consistent with the Court Rules.

The "Motion for Clarification of Filing" is DENIED. By the plain language of MCR 7.205(B)(4)(d), appellant was required to file transcripts of both the plea and sentencing proceedings in connection with this application for leave to appeal. Contrary to appellant's position, there is no basis in the language of MCR 7.205(B)(4) to conclude that MCR 7.205(B)(4)(d) and (4)(f) are alternatives in this case so that the applicability of the latter precludes the applicability of the former. By its plain language, MCR 7.205(B)(4)(f) applies because appellant raises a sentencing issue in his application. However, there is no conflict between the applicability of both MCR 7.205(B)(4)(d) and (4)(f) in this case. Specifically, the present case is *both* an appeal from a judgment in a criminal case entered pursuant to a no contest plea *and* an appeal raising a sentencing issue. Thus, the requirements of both subrules apply.



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

MAR 23 2009
Date

Sandra Schultz Mengel
Chief Clerk