

## **Appeals from Michigan Parole Board Circuit Court Appeal Procedure**

The procedure for appeals to Circuit Court from a decision of the Michigan Parole Board is governed by MCR 7.118. Please note the following highlights. Failure to comply with the Court Rules may result in a sanction up to and including dismissal of your appeal.

1. Unless MCR 7.118 provides otherwise, MCR 7.101 through 7.115 apply. MCR 7.118(A).
2. Timely service of an application for leave to appeal must be made on the Michigan Parole Board, the prisoner, and either the prosecutor or the victim depending on which party filed the application. MCR 7.118(D)(3). A copy of the return receipt and, in the case of the prisoner, a copy of the certificate of service executed by the appropriate prison official must be attached to the proof of service, and then promptly filed with the Clerk's Office. MCR 7.118(D)(3)(c).
2. Your application will be submitted to the assigned judge for decision on the written pleadings. Within 28 days after the application for leave to appeal is filed, the judge shall determine whether to grant or deny leave to appeal based on the information in the file. MCR 7.118(G).
3. If leave to appeal is granted, MCR 7.105(D)(4) applies along with:
  - a. Within 14 days after being served with an order granting leave to appeal, the Parole Board shall send copies of the record to the Circuit Court and the other parties. MCR 7.118(H)(1)(b). The expense of preparing and serving the record on appeal may be taxed to a nonprevailing Appellant, unless Appellant is indigent. MCR 7.118(H)(1)(c).
  - b. Briefs must comply with MCR 7.111, except Appellant's brief is due 28 days after the record is served on the parties and Appellee's brief is due 21 days after Appellant's brief is served on Appellee. MCR 7.118(H)(2).

Please see the Michigan Court Rules for further information.