

# PRO PER APPLICATION FOR LEAVE TO APPEAL IN A CRIMINAL CASE TO THE MICHIGAN SUPREME COURT GENERAL INSTRUCTIONS

This form is for people who want to file an application for leave to appeal in a criminal case with the Michigan Supreme Court but don't have a lawyer to help them. The party appealing the criminal case to the Supreme Court is called the "Appellant." The party opposing the appeal is the "Appellee."

This form was created by the Clerk's Office of the Michigan Supreme Court. It satisfies the formatting and structural requirements of the court rules if it is completed in accordance with the instructions. The form and instructions are not intended to provide legal advice on whether you should file the application, what factual information you should include, or what issues you should raise and argue. Providing this should not be viewed as encouraging anyone to act *in propria persona* (i.e., without the assistance of counsel) in the Supreme Court. There are many strategic and procedural decisions that must be made during the appeal process, and an attorney's assistance might be critical to the success of your application.

Generally, an application for leave to appeal in a criminal case must be received by the Supreme Court within 56 days of the Court of Appeals opinion or order that decided the case or the Court of Appeals order denying a timely filed motion for reconsideration. It does not matter when you received the Court of Appeals decision from your attorney.

A limited exception to the 56-day deadline, known as the "prison mailbox rule," allows the Supreme Court to accept a late application under certain circumstances. Specifically, for a prisoner who is housed in a Michigan, federal, or other state correctional facility and is acting as a pro se party in a *criminal case*, the Supreme Court will consider an application for leave to appeal to be filed on the date it was deposited, with first-class prepaid postage, in the outgoing mail at the correctional facility where the prisoner is housed. The "prison mail box" rule applies only to criminal applications for leave to appeal, not to civil appeals and not to other documents that might be filed in a criminal case, such as briefs or motions.

**IMPORTANT:** If you miss the Supreme Court's filing deadline, your application will be rejected by the Court and you will not be able to raise the issues in a federal court later on.

**Filing Deadline** – Mail your application at least 1 week before the deadline to allow time for delivery. The Supreme Court must receive it by the filing deadline unless you are a pro se filer in a *criminal case* who is incarcerated in a

correctional facility. In that situation, the form must bear the prison's date stamp indicating that you presented it to an appropriate prison official for mailing on or before the filing deadline.

**Form** – Check that all the instructions and pages are included in this packet. You should have the following items:

Instructions	3 pages
Cover letter	1 page
Criminal Pro Per Application	9 pages
Motion to Waive Fees/Affidavit of Indigency	1 page
Proof of Service	1 page
Notice of Filing Application	1 page

Read the form carefully. There are additional instructions on the pages themselves. Having your Presentence Investigation (PSI) Report, Court of Appeals decision and Court of Appeals brief at hand will make it easier for you when filling out the pages.

**Documents** – If you did not keep a copy of your Court of Appeals brief and you had an appointed private attorney on appeal, write to: Michigan Appellate Assigned Counsel System (MAACS), 200 N. Washington Sq., Suite 250, Lansing, MI 48933. If you had an attorney from the State Appellate Defender Office, write to: SADO, 645 Griswold, Suite 3300 Penobscot Bldg, Detroit, MI 48226. Include your case number, trial court, date of conviction and appellate attorney's name. Those offices may be able to help you.

You can buy a copy of your Court of Appeals decision and brief from that court for \$ .50 per page. You must first contact the Court of Appeals to find out the number of pages in the decision or the brief. Give the clerk your Court of Appeals case number, the name of the trial court, and date of your conviction. He or she will advise you of the total cost of the copies. Send a letter with the above information, along with a money transfer in the amount owed, explaining what you need to the Court of Appeals Clerk, P.O. Box 30022, Lansing, MI 48909 [(517) 373-0786]. Include your return address. If you are incarcerated and cannot access the Internet, you may be able to ask a friend or relative with Internet access to locate and print the Court of Appeals decision at [www.courts.mi.gov/courts/coa/](http://www.courts.mi.gov/courts/coa/). Under "Cases, Opinions & Orders" at the top of the screen, click on "Opinion & Order Search." It works best if the Court of Appeals case number is used for the search.

If you are arguing a jury instruction issue, you must submit a complete copy of the jury instruction transcript.

MCR 7.312(D)(2)(e). You should request the transcript from your former appellate attorney if you do not already have it.

*If you request but do not receive the transcript, PSI Report, or brief in a timely manner, complete the application form as best as you can and mail it without delay.* Explain in a letter why you did not include certain documents or fill in certain information, and state that you will provide the documents or information as soon as you can.

**Extra pages** – Add extra pages if you need more space for an answer or if you have more issues. If you add pages, write "continued on extra page" at the bottom of the form. Put the number of the issue you are addressing on the extra page. Use letter size paper.

**Copies** – You will need the originals and two copies of the completed form and any extra pages. You must include a copy of the Court of Appeals decision with the application form but you do not need to attach copies of briefs filed in the Court of Appeals. Send the original documents to the Supreme Court and 1 copy of those same papers to the prosecutor. Keep 1 copy of the documents for your file.

For incarcerated persons, you should check with the correctional facility on what may be copied for you and, if copied, how long it will take to get the copies back.

### **FILLING IN THE FORM**

**IMPORTANT:** This application form is designed for criminal appeals only. If you are appealing a Court of Appeals decision involving a civil action (which includes appeals from administrative agency decisions and trial court orders terminating parental rights), you should use the application form designed for that appeal type.

**Cover Letter, page 1** – Fill in all the blanks except the Supreme Court number. The Clerk of the Court will assign a six-digit case number to your application when it is docketed. Get the other court numbers from your PSI Report or Court of Appeals decision.

**Application, Title Page, page 2** – You should write your answers on scrap paper first to minimize mistakes on the application. Once you are satisfied with the answers, write them on the form as neatly as you can. You can usually get all the information you need for this page from your PSI Report and the Court of Appeals decision.

**Application, Existing Issues, pages 3-7** – In section A, write out those issues that were raised in the Court of Appeals that you now want to raise in the Supreme Court. The Court of Appeals issues may have been in a brief prepared and filed by your attorney or in a supplemental brief prepared and filed by you.

**IMPORTANT:** If you do not raise an issue in the Supreme Court by writing it out in the application form, it will not be addressed by the Supreme Court even if it was raised in the Court of Appeals.

Do not include issues in section A if they were not raised in the Court of Appeals. There is a section for new issues later in the application form.

In section B, check the reasons why you think the Supreme Court should consider the issue. You must check at least 1 of the choices. You may check more than 1.

In section C, you may rely on the facts and the law contained in the Court of Appeals brief. But you may also cite new case law and legal authority, and provide additional facts and legal arguments to support the issues.

There are enough pages for 5 issues. If you raise more than that number, you should attach additional pages that contain the same information as required on the application form. If you have fewer issues, leave out the blank pages.

**Application, New Issues, pages 8-9** – On these pages, you can ask the Supreme Court to consider issues that were not raised in the Court of Appeals. Do not fill in this section unless you have new issues. In section A, write the title of the issue or the issue heading. This is just a short statement of the error that was made and why it was wrong. Make it as clear as possible. In section B, check the reasons why you think the Supreme Court should consider the issue. You must check at least 1 reason, but you may check more than 1. In section C, explain the facts and list the cases that show what the error was and why it should entitle you to some relief. Use simple language and write clearly and carefully to avoid mistakes. There are pages for 2 new issues. Add more pages if you have more than 2 new issues or if you need more space for your answers.

If you include new issues here, they will not necessarily be considered "exhausted" by the federal courts unless the Michigan Supreme Court grants leave to add them or renders a decision on the merits. If the court does not grant leave to add them or make a decision on the merits, you will have to present those new issues to the trial court in a motion for relief from judgment under MCR 6.500, and then to the Michigan Court of Appeals and Michigan Supreme Court before the federal courts will consider them "exhausted" for purposes of federal habeas corpus.

**Relief Requested & Signature Page, page 10** – Print and sign your name and write the date. Also provide your MDOC number and mailing address.

**Attachments** – Attach copies of the trial court and Court of Appeals decisions to your application form. If you are appealing the sentence imposed on your criminal

conviction, you must also attach a copy of the PSI Report. You must also attach the transcript of jury instructions if you are raising an issue related to an instruction. If you want the Court to consider documents that are not part of the trial record, you must file a motion to expand the record. The Court will consider the documents only if it grants the motion.

**Motion to Waive Fees and Affidavit of Indigency, page 11** – Enter your name in the caption and fill in the trial court and Court of Appeals numbers. Provide all the information required in the Motion to Waive Fees and the Affidavit of Indigency. For both the motion and the affidavit, enter the date, print your name and MDOC number, and provide your signature.

**Proof of Service, page 12** - Check the items that you are mailing to the prosecutor and fill in the address information. Enter the mailing date and sign and print your name on the page. For incarcerated persons, enter the date on which you gave the application form and other documents to the appropriate prison official for mailing to the Supreme Court.

**Notice of Filing Application, page 13** – Fill in the information, and sign and date the notice. Mail 1 copy of this page to the Court of Appeals and 1 copy to the trial court. You do not have to serve either court with the application form or other documents.

#### **DOCUMENTS, ADDRESSES, AND MAILING**

You will need 2 copies of the original documents you are filing with the Supreme Court. Mail 1 copy to the prosecutor and keep 1 copy for your file.

You can get the address for the prosecutor from the prosecution's brief in the Court of Appeals, from the telephone book, or the Bar Directory in the library. If you cannot find it, send it to:

County Prosecutor  
\_\_\_\_\_ County  
\_\_\_\_\_, MI

Fill in the name of the county and the city where your trial or plea and sentencing occurred.

You must sign all the pages on the lines indicated but you do not need to have them notarized. However, under Michigan court rules, your signature means that you have read the document or pleading; that it is true to the best of your knowledge, information and belief; that the pleading is based on fact and existing law or is based on a good argument for changing existing law; and that you filed the pleadings to get the relief requested, not to harass the opposite party. MCR 2.114(D). If you sign any pleading knowing that it violates this rule, the Court may assess

sanctions against you.

#### **FINAL CHECK LIST**

Applications must be received by the Court no later than 56 days after the date on the Court of Appeals decision in criminal cases unless the "prison mailbox rule" applies.

Make sure that you do the following:

- Complete the cover letter on page 1.
- Complete all the information required on the form for each issue being raised.
- Fill in the address information, sign and date the application on page 10
- Attach copies of the trial court and Court of Appeals decisions. You need not attach any briefs filed in the trial court or Court of Appeals.
- Attach a copy of your PSI Report if you are raising an issue related to the sentence imposed on your conviction.
- Attach the transcript of the complete jury instructions if you are raising an instructional issue.
- Sign and date the Motion to Waive Fees and the Affidavit of Indigency on page 11.
- Complete, sign and date the Proof of Service on page 12.

Put the originals of these documents in an envelope addressed to:

Clerk's Office  
Michigan Supreme Court  
Hall of Justice  
P.O. Box 30052  
Lansing, MI 48909

Give the envelope to an appropriate prison official for mailing with prepaid first-class postage to the Supreme Court. See MCR 7.305(C)(4).

Finally, complete, sign and date the Notice of Filing Application on page 13. Mail 1 copy of the notice to the Court of Appeals and 1 copy to the trial court.



## COVER LETTER

\_\_\_\_\_  
(Date of mailing to the Supreme Court)

Clerk's Office  
Michigan Supreme Court  
Hall of Justice  
P.O. Box 30052  
Lansing, MI 48909

RE: PEOPLE OF THE STATE OF MICHIGAN v \_\_\_\_\_

(Print your name)

Supreme Court No. \_\_\_\_\_

(Leave blank - the Clerk will assign a number for you.)

Court of Appeals No. \_\_\_\_\_

(Get this number from the Court of Appeals decision.)

Trial Court No. \_\_\_\_\_

(Get this number from Court of Appeals brief or the  
PSI Report.)

Dear Clerk:

Enclosed please find the originals of the documents checked below. (Put a check mark in the boxes of the documents you are sending.) I am indigent and cannot provide four copies.

- ☐ Application for Leave to Appeal
- ☐ Copy of Trial Court decision
- ☐ Copy of Court of Appeals decision
- ☐ PSI Report (required **only** if you raise an issue related to the sentence imposed on your conviction)
- ☐ Transcript of jury instructions (required **only** if you are challenging an instruction on appeal)
- ☐ Motion to Waive Fees / Affidavit of Indigency
- ☐ Proof of Service
- ☐ Other \_\_\_\_\_

*\*\*\*You do not have to provide any briefs filed in the trial court or Court of Appeals\*\*\**

\_\_\_\_\_  
(Sign your name)

\_\_\_\_\_  
(Print your name and MDOC number)

\_\_\_\_\_  
(Print name of correctional facility if still incarcerated)

\_\_\_\_\_  
(Print your address or address of correctional facility)

Copy sent to:

\_\_\_\_\_

### INSTRUCTIONS

- 1.** You will need 2 copies and the originals of this letter and the pleadings listed above.
- 2.** Mail the originals of this letter and the pleadings listed above to the Supreme Court Clerk.
- 3.** Mail 1 copy of this letter and the pleadings to the prosecutor.
- 4.** Keep 1 copy of this letter and the pleadings for your file.



## TITLE PAGE

**INSTRUCTIONS: This application is for use in *criminal* appeals only.** If you are appealing a Court of Appeals decision involving a civil action, use the form designed for that appeal type. Answer each question completely and add more pages if necessary.

### IN THE MICHIGAN SUPREME COURT PRO PER CRIMINAL APPLICATION FOR LEAVE TO APPEAL

I am appealing a Court of Appeals decision that affirmed my conviction(s) and sentence(s) in whole or in part, affirmed the trial court's denial of my motion for relief from judgment, or denied my application for leave to appeal in that court.

PEOPLE OF THE STATE OF MICHIGAN,

Supreme Court No. \_\_\_\_\_  
(Leave blank)

Plaintiff-Appellee,

v

Court of Appeals No. \_\_\_\_\_  
(See Court of Appeals decision)

\_\_\_\_\_  
(Print your name)

Trial Court No. \_\_\_\_\_

(See Court of Appeals decision or PSIR report)

Defendant-Appellant.

I am currently incarcerated in a Michigan, federal, or other state correctional facility. ☐ Yes ☐ No

If Yes, provide the name and address of the correctional facility:

\_\_\_\_\_  
(Print name of correctional facility)

\_\_\_\_\_  
(Print street address of correctional facility)

\_\_\_\_\_  
(Print city, state and zip code of correctional facility)

**FILING DEADLINE:** For incarcerated persons, the application will be accepted as timely filed by the Supreme Court if received on or before the 56-day filing deadline or if it bears a date stamp from the correctional facility's mailroom on or before the filing deadline and (1) the case involves a criminal appeal, (2) you are incarcerated, (3) you are acting without an attorney, and (4) you include a sworn statement identifying the date the papers were given to the correctional facility for mailing to the Court and indicating that first-class postage was prepaid. MCR 7.305(C)(4).

For persons who are not incarcerated, the application must be received by the Supreme Court on or before the 56-day deadline or it will be rejected as untimely. No extensions can be given to the filing deadline.

**CRIMINAL PRO PER APPLICATION FOR LEAVE TO APPEAL (cont.)**

\_\_\_\_\_, Appellant      Court of Appeals No. \_\_\_\_\_  
(Print your name)

**INSTRUCTIONS:** In the sections below, write out those issues you want to raise in the Supreme Court that were raised in the Court of Appeals in either a brief prepared by your attorney or a supplemental brief that you prepared. To raise new issues, go to page 8.

## ISSUES RAISED IN COURT OF APPEALS

## ISSUE I:

**A.** (Write the issue exactly as it was phrased in the Court of Appeals brief.)

---

---

---

---

**B.** The Court should review the Court of Appeals decision on this issue because: (Check all the boxes you think apply to this issue, but you must check at least 1.)

- ☐ **1.** The issue raises a serious question about the legality of a law passed by the legislature.
- ☐ **2.** The issue raises a legal principle that is very important to Michigan law.
- ☐ **3.** The Court of Appeals decision is clearly wrong and will cause material injustice to me.
- ☐ **4.** The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in "B" apply to this issue. List any cases and state any facts that you want the Supreme Court to consider even if they were not included in your Court of Appeals brief. If you think the Court of Appeals mixed up any facts about this issue, explain below. If you need more space, you may add more pages.)

[illegible]

**CRIMINAL PRO PER APPLICATION FOR LEAVE TO APPEAL (cont.)**

\_\_\_\_\_, Appellant      Court of Appeals No. \_\_\_\_\_  
(Print your name)

## ISSUE II:

**A.** (Write the issue exactly as it was phrased in the Court of Appeals brief.)

---

---

---

---

**B.** The Court should review the Court of Appeals decision on this issue because: (Check all the boxes you think apply to this issue, but you must check at least 1.)

- ☐ **1.** The issue raises a serious question about the legality of a law passed by the legislature.
- ☐ **2.** The issue raises a legal principle that is very important to Michigan law.
- ☐ **3.** The Court of Appeals decision is clearly wrong and will cause material injustice to me.
- ☐ **4.** The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in "B" apply to this issue. List any cases and state any facts that you want the Supreme Court to consider even if they were not included in your Court of Appeals brief. If you think the Court of Appeals mixed up any facts about this issue, explain below. If you need more space, you may add more pages.)

[illegible]

**CRIMINAL PRO PER APPLICATION FOR LEAVE TO APPEAL (cont.)**

\_\_\_\_\_, Appellant      Court of Appeals No. \_\_\_\_\_  
(Print your name)

## ISSUE III:

**A.** (Write the issue exactly as it was phrased in the Court of Appeals brief.)

---

---

---

---

**B.** The Court should review the Court of Appeals decision on this issue because: (Check all the boxes you think apply to this issue, but you must check at least 1.)

- ☐ **1.** The issue raises a serious question about the legality of a law passed by the legislature.
- ☐ **2.** The issue raises a legal principle that is very important to Michigan law.
- ☐ **3.** The Court of Appeals decision is clearly wrong and will cause material injustice to me.
- ☐ **4.** The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in "B" apply to this issue. List any cases and state any facts that you want the Supreme Court to consider even if they were not included in your Court of Appeals brief. If you think the Court of Appeals mixed up any facts about this issue, explain below. If you need more space, you may add more pages.)

[illegible]

**CRIMINAL PRO PER APPLICATION FOR LEAVE TO APPEAL (cont.)**

\_\_\_\_\_, Appellant Court of Appeals No. \_\_\_\_\_  
(Print your name)

## ISSUE IV:

**A.** (Write the issue exactly as it was phrased in the Court of Appeals brief.)

---

---

---

---

**B.** The Court should review the Court of Appeals decision on this issue because: (Check all the boxes you think apply to this issue, but you must check at least 1.)

- ☐ **1.** The issue raises a serious question about the legality of a law passed by the legislature.
- ☐ **2.** The issue raises a legal principle that is very important to Michigan law.
- ☐ **3.** The Court of Appeals decision is clearly wrong and will cause material injustice to me.
- ☐ **4.** The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in "B" apply to this issue. List any cases and state any facts that you want the Supreme Court to consider even if they were not included in your Court of Appeals brief. If you think the Court of Appeals mixed up any facts about this issue, explain below. If you need more space, you may add more pages.)

[illegible]

**CRIMINAL PRO PER APPLICATION FOR LEAVE TO APPEAL (cont.)**

\_\_\_\_\_, Appellant      Court of Appeals No. \_\_\_\_\_  
(Print your name)

## ISSUE V:

**A.** (Write the issue exactly as it was phrased in the Court of Appeals brief.)

---

---

---

---

**B.** The Court should review the Court of Appeals decision on this issue because: (Check all the boxes you think apply to this issue, but you must check at least 1.)

- ☐ **1.** The issue raises a serious question about the legality of a law passed by the legislature.
- ☐ **2.** The issue raises a legal principle that is very important to Michigan law.
- ☐ **3.** The Court of Appeals decision is clearly wrong and will cause material injustice to me.
- ☐ **4.** The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in "B" apply to this issue. List any cases and state any facts that you want the Supreme Court to consider even if they were not included in your Court of Appeals brief. If you think the Court of Appeals mixed up any facts about this issue, explain below. If you need more space, you may add more pages.)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

**CRIMINAL PRO PER APPLICATION FOR LEAVE TO APPEAL (cont).**

\_\_\_\_\_, Appellant      Court of Appeals No. \_\_\_\_\_  
(Print your name)

**NEW ISSUE INSTRUCTIONS:** If you want the Supreme Court to look at errors that were not raised in the Court of Appeals, check **Yes** in the checkbox below and answer parts **A**, **B**, and **C** for each new issue you raise. There are pages provided for 2 new issues. You may include more pages to raise additional new issues. If you do not have new issues, go to the Relief Requested section on page 10.

- ☐ YES, I want the Supreme Court to consider the additional grounds for relief contained in the following issues.  
The issues were not raised in my Court of Appeals brief.

**NEW ISSUE I:**

**A.** (Write the new issue you want the Court to consider:) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B.** The Court should review this issue because: (Check all the boxes you think apply to this issue, but you must check at least 1.)

- ☐ **1.** The issue raises a serious question about the legality of a law passed by the legislature.  
☐ **2.** The issue raises a legal principle that is very important to Michigan law.  
☐ **3.** The Court of Appeals decision is clearly wrong and will cause material injustice to me.  
☐ **4.** The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

**C.** (Explain why you think the choices you checked in "B" apply to this issue. List any cases and citations, laws, or court rules, etc. that support your argument and explain how they apply to this issue. State the facts that support and explain this issue. If any facts were not presented in the Court of Appeals, explain why. You may add more pages.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CRIMINAL PRO PER APPLICATION FOR LEAVE TO APPEAL (cont).**

\_\_\_\_\_, Appellant Court of Appeals No. \_\_\_\_\_  
(Print your name)

## NEW ISSUE II:

**A.** (Write the new issue you want the Court to consider:)

**B.** The Court should review this issue because: (Check all the boxes you think apply to this issue, but you must check at least 1.)

- ☐ **1.** The issue raises a serious question about the legality of a law passed by the legislature.
- ☐ **2.** The issue raises a legal principle that is very important to Michigan law.
- ☐ **3.** The Court of Appeals decision is clearly wrong and will cause material injustice to me.
- ☐ **4.** The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in "B" apply to this issue. List any cases and citations, laws, or court rules, etc. that support your argument and explain how they apply to this issue. State the facts that support and explain this issue. If any facts were not presented in the Court of Appeals, explain why. You may add more pages.)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## RELIEF REQUESTED

9. For the above reasons I request that the Supreme Court grant my application for leave to appeal or order any other relief that it decides I am entitled to receive.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Sign your name)

\_\_\_\_\_  
(Print your name and MDOC number)

\_\_\_\_\_  
(Print the name of the correctional facility if still incarcerated)

\_\_\_\_\_  
(Print your address or address of the correctional facility)

\_\_\_\_\_

**After this page, you should attach copies of the trial court and Court of Appeals decisions, the PSI Report (if you are raising an issue related to the sentence imposed on your conviction), the jury instructions (if you are raising an issue regarding the instructions), and other documents you want the Supreme Court to consider.**



## IN THE MICHIGAN SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,

v

Plaintiff-Appellee,

\_\_\_\_\_  
(Print your name)

Defendant-Appellant.

Supreme Court No. \_\_\_\_\_  
(Leave blank)

Court of Appeals No. \_\_\_\_\_  
(See Court of Appeals decision)

Trial Court No. \_\_\_\_\_  
(See Court of Appeals brief or PSI Report.)

### MOTION TO WAIVE FEES

For the reasons stated in the affidavit of indigency below, I request that this Court GRANT a waiver pursuant to MCR 7.319(C) of all fees required for filing the attached pleading because I am indigent and the provisions of MCL 600.2963 requiring prisoners to pay filing fees do not apply to appeals from a decision involving a criminal conviction.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Sign your name)

\_\_\_\_\_  
(Print your name and MDOC number)

### AFFIDAVIT OF INDIGENCY

My name and MDOC number are \_\_\_\_\_.

I am incarcerated at \_\_\_\_\_ in \_\_\_\_\_.  
(Name of correctional facility) (City, state and zip code)

I attest that I cannot pay the filing fee. (Check the boxes that apply to you.)

- ☐ My only source of income is from my prison job and I make \$\_\_\_\_\_ per day.
- ☐ I have no income.
- ☐ I have no assets that can be converted to cash.
- ☐ The Court of Appeals waived my fees in that court.

I declare that the statements above are true to the best of my knowledge, information and belief.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Sign your name)

\_\_\_\_\_  
(Print your name and MDOC number)

\_\_\_\_\_  
(Print name of correctional facility if incarcerated)

\_\_\_\_\_  
(Print your address or address of correctional facility)



**IN THE MICHIGAN SUPREME COURT**

PEOPLE OF THE STATE OF MICHIGAN,  
v Plaintiff-Appellee,

\_\_\_\_\_  
(Print your name)

Defendant-Appellant.

Supreme Court No. \_\_\_\_\_  
(Leave blank)

Court of Appeals No. \_\_\_\_\_  
(See Court of Appeals decision)

Trial Court No. \_\_\_\_\_  
(See Court of Appeals brief or PSI Report)

**PROOF OF SERVICE**

On \_\_\_\_\_, 20\_\_\_\_, I mailed by U.S. mail 1 copy of the documents checked below:

- ☐ Application for Leave to Appeal
- ☐ Copy of Trial Court decision
- ☐ Copy of Court of Appeals decision
- ☐ PSI Report (if you are raising an issue related to the sentence imposed on your conviction)
- ☐ Transcript of jury instructions (if you are raising an issue related to a jury instruction at trial)
- ☐ Motion to Waive Fees / Affidavit of Indigency
- ☐ Proof of Service
- ☐ Other: \_\_\_\_\_

\*\*\**You do not have to provide any briefs filed in the trial court or Court of Appeals*\*\*\*

TO: \_\_\_\_\_ County Prosecutor  
(Name of county)

\_\_\_\_\_  
(Street address)

\_\_\_\_\_, MI \_\_\_\_\_  
(City) (Zip Code)

I declare that the statements above are true to the best of my knowledge, information and belief.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Sign your name)

\_\_\_\_\_  
(Print your name and MDOC number)

\_\_\_\_\_  
(Print name of correctional facility if still incarcerated)

\_\_\_\_\_  
(Print your address or address of correctional facility)

\_\_\_\_\_



**NOTICE OF FILING APPLICATION  
IN THE MICHIGAN SUPREME COURT**

(Mail 1 copy to the Court of Appeals and 1 copy to the trial court)

\_\_\_\_\_  
(Today's Date)

☐ Michigan Court of Appeals  
Clerk's Office  
Hall of Justice  
P.O. Box 30022  
Lansing, MI 48909

☐ \_\_\_\_\_ (Name of Trial Court)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Address)

PEOPLE OF THE STATE OF MICHIGAN v \_\_\_\_\_  
(Print your name)

Court of Appeals No. \_\_\_\_\_  
(Get this number from the Court of Appeals decision)

Trial Court No. \_\_\_\_\_  
(Get this number from Court of Appeals brief or the PSI Report)

Dear Clerk:

On this date I have filed an application for leave to appeal with the Michigan Supreme Court in the above-captioned matter.

\_\_\_\_\_  
(Sign your name)

\_\_\_\_\_  
(Print your name and your MDOC number, if applicable)

\_\_\_\_\_  
(Print name of correctional facility, if applicable)

\_\_\_\_\_  
(Print your address or address of correctional facility)

