

## Concealed Pistol Licensing 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.

**This is an appeal of right when timely filed. See [MCR 7.121\(C\)](#); [MCL 28.425b\(13\)\(b\)](#). [MCR 7.101–MCR 7.115](#) apply unless [MCR 7.121](#) provides otherwise. [MCR 7.121\(A\)](#).**

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 being appealed. Appeal must be filed within 21 days after entry of decision. The county clerk, department of state police, or entity taking the fingerprints may be an appellee.  | <a href="#">MCR 7.121(C)(1)</a> ; <a href="#">MCR 7.104(A)(1)</a> ; <a href="#">MCR 7.121(C)(2)(a)(ii)</a> |                          |             |
| Appellant must make a written request that a certified copy of the record be sent to the circuit court within 21 days of decision.  | <a href="#">MCR 7.121(C)(2)(e)</a>   |                          |             |
| Appellant must serve appeal on all parties.   | <a href="#">MCR 7.121(C)(2)(d)</a>   |                          |             |
| Appellee must file an appearance within 14 days of service. Appearance must comply with <a href="#">MCR 7.104(F)</a> .  | <a href="#">MCR 7.121(C)(3)</a>  |                          |             |
| Except for items omitted by written stipulation of the parties, record must be sent to the circuit court by the agency within 14 days of filing of request for certified copy of record.  | <a href="#">MCR 7.109(G)(1)</a>  |                          |             |
| Circuit Court must provide written notice to parties immediately after the record is filed in circuit court.  | <a href="#">MCR 7.109(G)(3)</a>  |                          |             |
| Unless otherwise ordered, appellant must file and serve its brief on all parties within 28 days after circuit court provides written notice that the record has been filed. The circuit court may extend time on motion, or time may be extended by 14 days on stipulation and order. | <a href="#">MCR 7.121(C)(4)</a> ; <a href="#">MCR 7.111(A)(1)(a)</a>                                       |                          |             |

| Task  | Applicable Court Rule  | Due Date (if applicable) | Compliance? |
|---|--|--------------------------|-------------|
| <p>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 county clerk. Appellant may move for reinstatement within 14 days of dismissal.</p> | <p><a href="#">MCR 7.113(A)</a>; <a href="#">MCR 7.113(C)</a></p>                                  |                          |             |
| <p>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.</p>   | <p><a href="#">MCR 7.121(C)(4)</a>; <a href="#">MCR 7.111(A)(2)</a></p>                            |                          |             |
| <p>Appellant may file a reply brief within 14 days after appellee’s brief was served.</p>   | <p><a href="#">MCR 7.111(A)(3)</a></p>   |                          |             |
| <p>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.</p>  | <p><a href="#">MCR 7.111(A)(6)</a>; <a href="#">MCR 7.111(C)</a>; <a href="#">MCR 7.114(A)</a></p> |                          |             |
| <p>Circuit court must decide appeal by oral or written opinion and issue order. The court may order (1) the county clerk to issue a license or receipt, or (2) the refund of filing fees. See <a href="#">MCL 28.425d(2)-(4)</a>.</p>   | <p><a href="#">MCR 7.114(B)</a></p>  |                          |             |
| <p>Circuit court serves a copy of order on all parties. Consult local circuit court rules or policies for applicable time limit.</p>  | <p><a href="#">MCR 7.121(D)</a></p>  |                          |             |
| <p>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 county clerk, if no timely application for leave to appeal filed.</p>  | <p><a href="#">MCR 7.109(H)</a></p>  |                          |             |

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