Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V JAMALL KEVIN STAFFORD

Docket No. 377901

LC Nos. 24-000020-FH; 25-000900-FH; 25-000901-FH

Michael J. Kelly
Presiding Judge

Mark T. Boonstra

Daniel S. Korobkin
Judges

Defendant's motion for reconsideration is DENIED and Docket No. 377901 remains closed. "An appeal or proceeding in error taken or commenced before the right to take or commence the same has accrued is premature and will be dismissed for want of jurisdiction." *Brown v Adler*, 282 Mich 264, 266; 276 NW 442 (1937). Further, an order does not become reviewable on appeal until it has been entered by the trial court. See *id*. at 265-266. Consequently, defendant's motion to review bail—filed on October 23, 2025—was properly dismissed for lack of jurisdiction because the motion was premature before entry of the trial court's January 13, 2026 order denying defendant's bail motion. See *id*. (considering whether jurisdiction existed "at the time the claim of appeal was filed" and dismissing a claim of appeal filed before entry of a final order, despite the fact that a judgment entered six days after the claim of appeal was filed).

In lieu of granting defendant's motion for reconsideration, the Court DIRECTS the Clerk's Office, upon entry of this order, to open a new Court of Appeals file based on defendant's filings pertaining to the January 13, 2026 bail order. The new file shall be docketed as a motion to review bail involving the January 13, 2026 bail order, and the case shall be docketed as filed on January 20, 2026. Any answer to be filed by the prosecutor in the new case should be filed within 7 days of the Clerk's certification of this order.

Presiding Judge

Boonstra, J. would deny the motion for reconsideration. Because, as the majority notes, this Court lacks jurisdiction, we have no authority to act other than to dismiss the motion to review bail (as the majority agrees was proper) and therefore to deny the motion for reconsideration of our prior order. See *Electronic Data Sys Corp v Twp of Flint*, 253 Mich App 538, 544; 656 NW2d 215 (2002) ("[H]aving determined that is has no jurisdiction, a court should not proceed further except to dismiss the action."). See also *Bowie v Arder*, 441 Mich 23, 56; 490 NW2d 568 (1992) ("When a court lacks subject matter jurisdiction to hear and determine a claim, any action it takes, other than to dismiss the action, is void."). Nonetheless, given that defendant now has a written bail order, defendant would

remain free to file a new Court of Appeals case to seek review of the January 13, 2026 bail order consistent with the Court Rules. See MCR 6.106.

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

March 6, 2026
Date

Chief Clerk