

## Appealing the Decision From a Formal Hearing

Appeals from a formal hearing are heard in circuit court

- “A defendant who appeals must post with the district court, at the time the appeal is taken, bond equal to the fine and costs imposed. A defendant who has paid the fine and costs is not required to post a bond.” MCR 4.101(G)(1)(a).
- If by right, the appealing party must file a written appeal with the court within 21 days of the judgment. MCR 7.101(B)(1)(a) and MCL 770.3(1)(b) and (c); MSA 28.1100(1)(b) and (c).
- “The circuit court may grant leave to appeal from a trial court or municipal court when ... (2) the time for taking an appeal [by right] has expired.” MCR 7.103(A)(2). MCR 7.101(B)(1)(a) and MCL 770.3(1)(b) and (c); MSA 28.1100(1)(b) and (c), require an appeal by right to be filed with the circuit court within 21 days of the judgment. An application for leave to appeal “must be accompanied by an affidavit explaining the delay. The circuit court may consider the length of and reasons for the delay in deciding whether to grant the application.” MCR 7.103(B)(6).
- “A plaintiff’s appeal must be asserted by the prosecuting attorney of the political unit that provided the plaintiff’s attorney for the formal hearing. A bond is not required.” MCR 4.101 (G)(1)(c).