Court of Appeals, State of Michigan

ORDER

People of MI v Xavier Rembert Smith

Docket No. 266652

LC No. 05-004855-01

Kurtis T. Wilder
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly
Judges

The Court orders that the motion to withdraw is GRANTED, because the Court finds, after a full examination of all the proceedings, that the appeal is wholly frivolous.

The defendant-appellant's conviction is AFFIRMED. Withdrawing counsel shall mail by first-class mail to the appellant within 14 days of the date of certification of this order a copy of this order and the transcripts and file proof of that service with the Clerk of this Court as required by MCR 7.211(C)(5)(c). Counsel is hereby notified that this Court may vacate this order granting the motion to withdraw if counsel fails to serve the transcripts on appellant.

The final judgment of affirmance is STAYED for a period of 28 days after service of a copy of the transcripts on the appellant, within which period defendant may, if he so desires, file a written communication with this Court, raising any issue or question which he wishes this Court to consider. Any such communication shall be treated by this Court as a motion for reconsideration.

Presiding Judge

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 05 2006
Date

Sandra Schultz Mengel
Chief Clerk