IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Amond Travell Jarrett**
Docket No. **267560**
L.C. No. **1998-402297 FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the June 2000 judgment of sentence as required by MCR 7.205(F)(3). This dismissal is without prejudice to filing a motion for relief from judgment in the circuit court under MCR 6.500. Neither exception to the 12-month limitation has been satisfied in this case. In particular, the second condition of the second exception was not satisfied as counsel was not requested within 12 months of the judgment of sentence. See MCR 7.205(F)(4)(b). The record does not support appellant's assertion that he did not request counsel because he believed he was not entitled. Defendant was never told that counsel would not be appointed for him, and in fact, he was told at sentencing that he needed to request counsel within 42 days. After this statement defendant was handed something and he acknowledged receipt (see bottom of page 7 of 6/29/2000 transcript). It is true that prior to his probation plea on June 23, 2000 defendant was handed an inapplicable district court advice of rights form. However, there is nothing in that form that would make defendant believe he would not get appellate counsel after he was sentenced on June 29, 2000 if he made a request within 42 days.

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

FEB 03 2006
Date

Sandra Schultz Mengel
Chief Clerk