IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Christopher Steven Owens**
Docket No. **267937**
L.C. No. **04-004640**

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 filed January 20, 2006 is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the judgment of sentence as required by MCR 7.205(F)(3). 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 any conclusion that defendant was discouraged from requesting counsel when considering the fact the written notice given to defendant specifically told the defendant that "the court will appoint an attorney" if requested within 42 days. The trial court would have to be a mind reader to conclude that the documents filed by defendant 10 months after sentencing constituted a request for appellate counsel.

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

February 16, 2006
Date

Sandra Schultz Mengel
Chief Clerk