Court of Appeals, State of Michigan

ORDER

People of MI v Robert Alspaugh Jr

Docket No. 268834

LC No. 02-000803-FH

Patrick M. Meter
Presiding Judge

William C. Whitbeck, CJ

Alton T. Davis
Judges

The Court orders that the motion to waive fees is GRANTED for this case only.

The Court orders that in lieu of granting the delayed application for leave to appeal and pursuant to MCR 7.205(D)(2), 7.216(A)(7), this matter is REMANDED to the Baraga Circuit Court for the appointment of appellate counsel, in light of *Halbert v Michigan*, 545 US ___; 125 S Ct 2582; 162 L Ed 2d 552 (2005). See, e.g., *People v Bell*, 474 Mich 867; 703 NW2d 472 (2005). A determination whether the defendant is indigent is unnecessary because the circuit court has already made that determination. Appointed counsel may file an application for leave to appeal with this Court and/or any appropriate postconviction motions in the trial court, within twelve months of the date of the Baraga Circuit Court's order appointing counsel, in accord with the deadlines in effect at the time defendant was denied counsel. See MCR 7.205(F)(3), MCR 6.311, and MCR 6.429.

We do not retain jurisdiction.

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

JUL 7 2006
Date

Sandra Schultz Mengel
Chief Clerk