Court of Appeals, State of Michigan

ORDER

People of MI v Michael Jeffrey Arnold

Docket No. 281945

LC No. 04-009004-FH

Alton T. Davis
Presiding Judge

Patrick M. Meter

Stephen L. Borrello
Judges

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

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that the November 8, 2007 order of the trial court is REVERSED, and the matter is REMANDED for appointment of appellate counsel and preparation of the transcript of resentencing. Under *Halbert v Michigan,* 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005) and MCR 6.425(G)(1)(c), the trial court was required to appoint counsel when the indigent defendant made a timely request in his first-level appeal from his resentencing. *People v James,* 272 Mich App 182; 725 NW2d 71 (2006), lv den 479 Mich 865 (2007).

We do not retain jurisdiction.

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

JUN 16 2008
Date

Sandra Schultz Mengel
Chief Clerk