Court of Appeals, State of Michigan

ORDER

People of MI v Andrew Lynn Breeding

Docket No. 291554

LC No. 08-004100-FH

David H. Sawyer
Presiding Judge

Joel P. Hoekstra

Douglas B. Shapiro
Judges

The Court orders that defendant-appellant's motion for the appointment of substitute appellate counsel is DENIED. The Court further orders that the motion to withdraw is GRANTED, because the Court finds, after a full examination of all proceedings, that the appeal is wholly frivolous.

The defendant-appellant's convictions are 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 transcript 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 transcript on appellant.

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

Shapiro, J., would grant the motion to appoint substitute appellate counsel.

COURT OF APPEALS OF THE STATE OF MICHIGAN
TUEBOR
CIRCUMSPICE
1965

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

FEB 17 2010
Date

Sandra Schultz Mengel
Chief Clerk