

Court of Appeals, State of Michigan

ORDER

People of MI v Umar A Muhammad

Docket No. 301994

LC No. 85-127208

William C. Whitbeck
Presiding Judge

Peter D. O'Connell

Amy Ronayne Krause
Judges

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

The delayed application for leave to appeal is GRANTED, limited to the issues raised in the application. MCR 7.205(D)(4). The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(D)(3).

This cause is REMANDED to the St. Clair Circuit Court which shall, within 14 days, determine whether defendant is indigent and whether he wishes appellate counsel appointed to represent him in this appeal. If both questions are determined in the affirmative, the court shall forthwith appoint appellate counsel for defendant. Within 14 days after the entry of the order of appointment, counsel shall file in this cause a copy of the order of appointment.

Krause, J., agrees with the trial judge that the verdict form in this case is distinguishable from the verdict form in *People v Wade*, 283 Mich App 462 (2009), and would therefore deny leave to appeal.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAY 2 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk