

**Court of Appeals, State of Michigan**

**ORDER**

**People of MI v Richard James Soldan**

Docket No.   **310746**

LC No.       **11-020115-FH**

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William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction. First, the delayed application for leave to appeal was not filed within six months of the November 17, 2011 amended judgment of sentence. MCR 7.205(F)(3). The exceptions provided by MCR 7.205(F)(4) are inapplicable. Further, an application for leave to appeal is not properly filed based on a circuit court's alleged failure to timely rule on a request for appointment of appellate counsel because an application for leave to appeal can only be filed from a judgment or order, MCR 7.203(B), not from a circuit court's failure to act. Rather, to seek relief in this Court based on a circuit court's alleged failure to timely rule on a defendant's request for appointment of appellate counsel, the defendant would need to file in this Court an original complaint for superintending control against the circuit court. See MCR 3.302.

The motion to waive fees is GRANTED for this case only.



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

**JUL 24 2012**

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Chief Clerk