

Court of Appeals, State of Michigan

ORDER

People of MI v Austin Klich

Docket No. 314100

LC No. 11-036802-FJ

Amy Ronayne Krause
Presiding Judge

Peter D. O'Connell

William C. Whitbeck
Judges

On the Court's own motion, the Clerk's Office shall treat defendant's delayed application for leave to appeal as filed within the deadline set forth in MCR 7.205(F)(3) because appellate counsel's failure to file the delayed application within the deadline constituted ineffective assistance of counsel. *People v Means*, 480 Mich 989 (2007); *People v McCoy*, 480 Mich 989 (2007); *People v Rodgers*, 480 Mich 989 (2007); and *People v Kipfer*, 480 Mich 990 (2007). Contrary to the indication in the jurisdictional statement section of the delayed application for leave to appeal the applicable time limit for filing a delayed application for leave to appeal under MCR 7.205(F)(3) is six months, not 12 months. We note that the current six-month time limit has been in force since September 1, 2011, well before entry of the May 31, 2012 judgment of sentence in this case. Further, the exceptions provided by MCR 7.205(F)(4) are inapplicable.

Attorney Rodney A. O'Farrell (P24899) shall pay to the Clerk of this Court costs of \$250 within 21 days of the Clerk's certification of this order. This sanction is personal to the attorney and shall not be charged back to defendant or any other person paying Attorney O'Farrell for his representation of defendant in this case.



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

JAN 29 2013

Date


Chief Clerk