

Court of Appeals, State of Michigan

ORDER

People of MI v Jennifer Ann Spiker

Docket No. 314528

LC No. 11-000537-FH

Patrick M. Meter
Presiding Judge

Donald S. Owens

Stephen L. Borrello
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 six-month 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). The exception provided by MCR 7.205(F)(4) is inapplicable. Particularly, the delayed application was not filed within 42 days after entry of the order appointing appellate defense counsel as substitute counsel. MCR 7.205(F)(4)(c).

Attorney Frederick M. Finn (P32268) 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 the county or the state.

The Clerk's Office shall send a copy of this order to Thomas M. Harp, Administrator of the Michigan Appellate Assigned Counsel System.



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

FEB 11 2013

Date


Chief Clerk