

Court of Appeals, State of Michigan

ORDER

People of MI v Richard William Bouse Jr

Docket No. 314569

LC No. 11-035935-FC

Michael J. Riordan
Presiding Judge

Jane E. Markey

Michael J. Kelly
Judges

The Court orders that the motion for reconsideration is GRANTED, the February 12, 2013 order is VACATED, and the delayed application for leave to appeal is REINSTATED because, based on the unopposed representations of the motion for reconsideration, the late filing of the delayed application was due to ineffective assistance of counsel. Thus, the delayed application must be treated as if it had been filed within the deadline set forth in MCR 7.205(F)(3). *People v Means*, 480 Mich 989 (2007); *People v McCoy*, 480 Mich 989 (2007); *People v Rodgers*, 480 Mich 989 (2007); *People v Kipfer*, 480 Mich 990 (2007).

Attorney Frank E. Stanley (P28826) shall pay to the Clerk of this Court costs of \$250 within 21 days of the date of this order for the late filing of the delayed application and the attendant efforts expended by this Court. While we commend his honesty in admitting responsibility for the late filing of the delayed application we cannot find that the present circumstances excuse or substantially mitigate the very late filing of the delayed application. This sanction is personal to the attorney and shall not be charged back to defendant or to any other person paying Mr. Stanley for representing defendant in this matter.

Appellee may file a timely answer to the delayed application for leave to appeal within 21 days after the date of this order. See MCR 7.205(C).



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

APR 03 2013

Date


Chief Clerk