

**Court of Appeals, State of Michigan**

**ORDER**

**People of MI v Richard William Bouse Jr**

Docket No.   **314569**

LC No.       **11-035935-FC**

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David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because it was not filed within six months after entry of the January 30, 2012 judgment of sentence. MCR 7.205(F)(3)(a). The provisions of MCR 7.205(F)(3)(b) and MCR 7.205(F)(4) are inapplicable.

Notably, it is unclear if retained appellate counsel was retained to represent defendant in this matter with sufficient time to have been reasonably expected to file a delayed application within the applicable six-month limit so that the failure to timely file the delayed application should be imputed only to counsel being unaware of the amendment to MCR 7.205(F)(3) that reduced the former 12-month limit to six months effective September 1, 2011. Accordingly, defendant is advised of the possibility of filing a motion for reconsideration of this order within 21 days after the date of this order if there are grounds to assert that the late filing of the delayed application was attributable solely to ineffective assistance of counsel. See MCR 7.215(I)(1); *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). It would be advisable for such a motion to include specific information about the date retained appellate counsel was retained in this matter.



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

**FEB 12 2013**

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster".  
Chief Clerk