

Court of Appeals, State of Michigan

ORDER

People of MI v Kyle Joseph Longacre

Docket No. 329513

LC No. 2014-001352-FH

Patrick M. Meter
Presiding Judge

Michael J. Kelly

Amy Ronayne Krause
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(G)(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). In this regard, the six-month period provided by MCR 7.205(G)(3) for filing a delayed application from the March 31, 2015 judgment of sentence expired on September 30, 2015. MCR 1.108(3). Thus, the filing of the delayed application on October 1, 2015 was one day late. Further, the exception provided by MCR 7.205(G)(4) to extend the period for filing a delayed application in a criminal case in certain circumstances is inapplicable.

Attorney Sharon D. Jones (P57113) 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 is directed to send a copy of this order to the Administrator of the Michigan Appellate Assigned Counsel System.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

NOV 05 2015

Date

Chief Clerk