

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Oswald Scott Wilder Jr

Docket No. 329708

LC No. 13-001001-FC

Stephen L. Borrello  
Presiding Judge

Donald S. Owens

Michael F. Gadola  
Judges

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On the Court's own motion, the Clerk's Office shall treat defendant's delayed application for leave to appeal as filed within the relevant deadline set forth in MCR 7.205(G)(4) because, regardless of the extent of appellate defense counsel's subjective responsibility, the failure to file the delayed application within the deadline deprived defendant of the effective assistance of counsel with regard to the date of filing of the delayed application. *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).

We note that, in the exercise of our discretion, we do not impose costs on appellate defense counsel for the late filing of the delayed application in light of the circumstances he references in the cover letter to the delayed application.



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

NOV 18 2015

Date

Chief Clerk