

Court of Appeals, State of Michigan

ORDER

People of MI v Frederick Harvey Grumbley

Docket No. **328195**

LC No. **04-024013-FC**

Michael F. Gadola, Judge, acting under MCR 7.211(E)(2), orders:

The motion to accept for filing Standard 4 brief as brief on appeal and motion to remand is DENIED. Standard 4 of Administrative Order Number 2004-6 contemplates that a pro per supplemental brief may be filed by a defendant-appellant in a criminal appeal as to claims that a defendant seeks to present against the advice of counsel, not that a Standard 4 brief may be filed in place of a brief from appointed appellate defense counsel altogether. Notably, the motion provides no indication that counsel has reviewed the relevant issues and concluded that they are either frivolous or against defendant's best interests to raise. In this regard, if defendant has suggested one or more issues with merit, one would presume that a trained and licensed attorney would likely be able to better refine and advocate those issues on appeal than could a pro per defendant. Thus, counsel should review the issues raised by defendant in the proffered Standard 4 brief to determine if they suggest meritorious issues to raise on appeal. Counsel should file a brief on appeal on behalf of defendant if he determines that there is any meritorious issue to raise on defendant's behalf in this appeal. If counsel determines there is no such meritorious issue he may file a motion to withdraw under MCR 7.211(C)(5).

Counsel may timely file defendant's brief on appeal within 28 days after the date of this order.



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

JUL 21 2016

Date


Chief Clerk