

Court of Appeals, State of Michigan

ORDER

People of MI v Russell Edward Gibler

Docket No. 331257

LC No. 15-393542-FH

Douglas B. Shapiro
Presiding Judge

Jane M. Beckering

Mark T. Boonstra
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting the delayed application for leave to appeal or the motion to appoint appellate counsel, the trial court's December 22, 2015 order is VACATED IN PART to the extent that it denied defendant's request for the appointment of appellate counsel where that request was filed within the six-month time period allowed by MCR 7.205(G)(4)(a) for filing a delayed request for appointment of appellate counsel. MCR 7.205(E)(2). Thus, we REMAND this case to the trial court for appointment of appellate counsel.

We note that, although over six months have now passed from entry of the judgment of sentence in this case, appellate counsel appointed on remand will be able to timely file a delayed application for leave to appeal from that judgment of sentence on behalf of defendant within 42 days after the date of entry of the order appointing appellate counsel. MCR 7.205(G)(4)(c).

We do not retain jurisdiction. This order has immediate effect. MCR 7.215(F)(1).



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

MAR 29 2016

Date


Chief Clerk