

Court of Appeals, State of Michigan

ORDER

People of MI v Michael James Dykema

Docket No. 332905

LC No. 11-011623-FC

Patrick M. Meter
Presiding Judge

Stephen L. Borrello

Michael J. Kelly
Judges

On the Court's own motion, the Clerk's Office shall treat defendant's delayed application for leave to appeal as if it were filed within the deadline set forth in MCR 7.205(G)(3) or (4) because appellate counsel's failure to file the delayed application within the applicable 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 delayed application cannot possibly be timely under MCR 7.205(G)(4) because it was not filed within 42 days after the filing of the transcript on March 2, 2016.

Attorney Scott E. Pederson (P33518) shall pay to the Clerk of this Court costs of \$250 within 21 days of the date of this order. This sanction is personal to the attorney and shall not be charged back to defendant or any third party providing payment to the attorney for representing defendant in this matter.



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

JUL 01 2016

Date


Chief Clerk