

Court of Appeals, State of Michigan

ORDER

People of MI v Maurice Pierre Mitchell

Docket Nos. 333729; 333730

LC Nos. 15-010020-FC; 15-005436-FC

Peter D. O'Connell
Presiding Judge

Michael J. Kelly

Amy Ronayne Krause
Judges

On the Court's own motion, the Clerk's Office shall treat defendant's delayed applications for leave to appeal in both of these files as filed within the six-month deadline set forth in MCR 7.205(G)(3) because appellate counsel's failure to file the delayed applications 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).

Attorney Chari K. Grove (P25812) shall pay to the Clerk of this Court costs of \$250 within 21 days of the date of this order. We note that attorney Grove is only required to provide a single \$250 payment for the late filing of both delayed applications for leave to appeal. In this regard, she could have electronically filed the substantively identical delayed applications as a single submission with regard to both lower court files involving two judgments of sentence entered against the same defendant on the same day rather than separately filing essentially the same delayed application twice in relation to the two lower court files. Thus, we conclude that it would be unduly harsh to impose two \$250 assessments of costs based on attorney Grove essentially filing the same delayed application twice.



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

JUL 18 2016

Date

Chief Clerk