

Court of Appeals, State of Michigan

ORDER

People of MI v Teresa Anne McCoy

Docket No. 335480

LC No. 16-403811-FH

Stephen L. Borrello
Presiding Judge

Michael J. Kelly

Amy Ronayne Krause
Judges

On the Court's own motion, the Clerk's Office shall treat defendant's delayed application for leave to appeal as filed within the six-month deadline set forth in MCR 7.205(G)(3) because appellate counsel's failure to file the delayed application 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). In this regard, the delayed application was not filed within the six months after entry of the April 29, 2016 judgment of sentence even as extended to Monday, October 31, 2016 by MCR 1.108(1). The exceptions provided by MCR 7.205(G)(4) are inapplicable.

Attorney Lisa C. Walinske (P62136) shall pay to the Clerk of this Court costs of \$250 within 21 days of the Clerk's certification of this order. This sanction is personal to the attorney and shall not be charged back to the county or the state.

The Clerk's Office shall send a copy of this order to the Administrator of the Michigan Appellate Assigned Counsel System.



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

JAN 05 2017

Date

Chief Clerk