

Court of Appeals, State of Michigan

ORDER

In re B E Rurka Minor

Docket No. 336045

LC No. 11-004609-NA

William B. Murphy
Presiding Judge

David H. Sawyer

Jane M. Beckering
Judges

On the Court's own motion, this Court ASSESSES costs in the sum of \$250.00 for failing to comply with this Court's December 13, 2016 administrative order by filing with this Court five copies of a brief in support of this application for leave to appeal, which identifies and argues a claim or claims of error in the proceedings below. Such costs are personal to the attorney and shall not be charged back to appellant. By filing a brief in support that requests only the relief previously granted in the December 13th order, appointed appellate counsel deprived respondent-appellant of his right to a direct appeal and, thereby, rendered constitutionally ineffective assistance of counsel. *People v Goodman*, 485 Mich 1119; 779 NW2d 254 (2010). The Court REMANDS this matter to the Family Division of the Branch Circuit Court for the appointment of substitute appellate counsel. Substitute counsel shall file with this Court, within 21 days of the entry of the order of appointment, a brief in support of the application, in which counsel identifies and briefs a claim or claims of error in the proceedings below, so that this Court may consider whether to grant the application. The Court retains jurisdiction. This order has immediate effect. MCR 7.215(F)(2).



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

JAN 27 2017

Date


Chief Clerk