

Court of Appeals, State of Michigan

ORDER

People of MI v Jerry Jemar Worthy

Docket No. 336397

LC No. 15-006870-FH

Michael F. Gadola
Presiding Judge

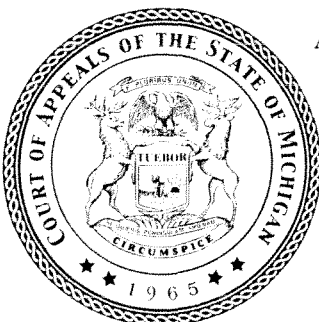
Patrick M. Meter

Amy Ronayne Krause
Judges

The Court orders that, in lieu of granting the delayed application for leave to appeal, the trial court's September 12, 2016 order denying defendant's motion for appointment of substitute appellate counsel is REVERSED and this case is REMANDED to the trial court for entry of an order appointing substitute appellate counsel for defendant. MCR 7.205(E)(2). We conclude that the trial court abused its discretion by denying defendant's motion seeking appointment of substitute appellate counsel where defendant did not have a reasonable opportunity to respond to the initially-appointed appellate counsel's motion to withdraw and because of the possibility that a second appointed appellate counsel would find a non-frivolous issue that should be raised on defendant's behalf. Thus, the trial court's refusal to appoint substitute appellate counsel under the present circumstances was an abuse of discretion because it was outside the range of reasonable and principled outcomes. *People v Bylsma*, 315 Mich App 363, 376; 889 NW2d 729 (2016).

We do not retain jurisdiction.

Meter, J., would deny the delayed application for leave to appeal.



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

MAR 14 2017

Date

Chief Clerk