

Court of Appeals, State of Michigan

ORDER

People of MI v Andre Dwight Abner

Docket No. 342661

LC No. 16-009096-01-FH

Brock A. Swartzle
Presiding Judge

Peter D. O'Connell

Patrick M. Meter
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 deadline set forth in MCR 7.205(G)(4)(c) 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). The delayed application was not actually filed within the time allowed by MCR 7.205(G)(4)(c) because it was not filed within 42 days after entry of the December 15, 2017 order appointing appellate counsel.

Attorney William F. Branch (P26846) 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



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

APR 09 2018

Date


Chief Clerk