

Court of Appeals, State of Michigan

ORDER

People of MI v Keith Andrew Nichols

Docket No. 343670

LC No. 14-064995-FH

Douglas B. Shapiro
Presiding Judge

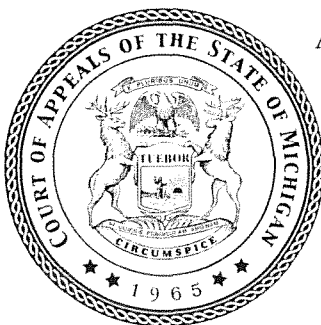
David H. Sawyer

William B. Murphy
Judges

The Court orders that the motion to waive fees is GRANTED for this case only.

The motion for immediate consideration is GRANTED. The motion to compel the Muskegon Circuit Court to provide relevant documents is DENIED.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court REMANDS this case to the Muskegon Circuit Court to determine whether the defendant provided a completed Notice of Right to Appellate Review and Request for Appointment of Attorney form to a bailiff or deputy to return to the court pursuant to MCR 6.425(F)(3). If the defendant did so, the trial court shall appoint appellate counsel to represent the defendant. See *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005); *People v Xiloj-Perez*, 501 Mich 939; 904 NW2d 425 (2017). Appellate counsel, once appointed, may file an application for leave to appeal in the Court of Appeals from the November 17, 2017 judgment of sentence and/or any appropriate postconviction motions in the circuit court, within six months of the date of the circuit court's order appointing counsel. *Id.* If the court finds that defendant did not make a timely effort to request appellate counsel, it shall exercise its discretion in deciding whether to appoint appellate counsel. *Id.* This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



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

OCT 29 2018

Date


Chief Clerk