

# Court of Appeals, State of Michigan

## ORDER

People of MI v Gilbert Ray Burkhead

Docket No. 345392; 345393

LC No. 17-021085-FH; 17-021184-FH

Stephen L. Borrello  
Presiding Judge

Peter D. O'Connell

Michael J. Kelly  
Judges

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On the Court's own motion, the Clerk's Office shall treat defendant's delayed applications for leave to appeal as filed within the 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). The exceptions provided by MCR 7.205(G)(4) are inapplicable. Particularly, the delayed applications were not filed within 21 days after entry of the August 13, 2018 orders denying motions to correct invalid sentence (even as extended to September 4, 2018 by the Labor Day holiday).

Attorney Monica Wilson (P73128) 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

OCT 25 2018

Date

  
Chief Clerk