

Court of Appeals, State of Michigan

ORDER

People of MI v Charles William Malette

Docket No. 352921

LC No. 19-003922-FH

Amy Ronayne Krause
Presiding Judge

Patrick M. Meter

Michael F. Gadola
Judges

The Court orders that the second motion to hold appeal in abeyance is DENIED. We do not consider it reasonable to hold this appeal in abeyance for an indefinite period of time based on a possibility that defendant might be in a better position to file a Standard 4 brief at some unknown later date. In this regard, the ability to file a Standard 4 brief does not rise to the level of being a constitutional right. See *People v Davis*, 216 Mich App 47, 56; 549 NW2d 1 (1996) (criminal defendant has a constitutional entitlement to self-representation or representation by counsel, but not both).

In lieu of granting the second motion to extend time for filing supplemental brief the Clerk's Office is directed upon entry of this order to open a new Court of Appeals file based on the claim of appeal document filed by defendant on November 3, 2020. That new appeal shall be docketed as taken from the amended judgment of sentence dated October 29, 2020 and docketed as filed on November 3, 2020. Further, that new Court of Appeals file shall be CONSOLIDATED with the present appeal in Docket Number 352921.

The motion to seal the second motion to hold appeal in abeyance is GRANTED. That motion is sealed because it includes specific information of a confidential personal nature and there is no less restrictive means to adequately and effectively protect the confidentiality of that information. MCR 7.211(C)(9)(e); MCR 8.119(I)(2). The Clerk shall disclose or provide copies of any order or opinion entered in this appeal, MCR 8.119(I)(6), but the sealed second motion to hold appeal in abeyance shall not be disclosed or made available for public viewing. The case docket shall not be blocked on the Court's website.

The Clerk is directed to forward a copy of this order to the Clerk of the Supreme Court and to the State Court Administrative Office. MCR 8.119(C)(7).


Presiding Judge

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



November 20, 2020
Date


Chief Clerk