

**Court of Appeals, State of Michigan**

**ORDER**

**People of MI v Daniel Martin Pirkel**

Docket No. **354947**

LC No. **07-014669-FC**

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Christopher M. Murray, Chief Judge, acting under MCR 7.211(E)(2), orders:

Pursuant to the federal court order regarding defendant being granted conditional habeas corpus relief in *Daniel Martin Pirkel v Dewayne Burton*, United States District Court for the Western District of Michigan, Number 1:11-CV-205, issued September 17, 2020, defendant shall have an appeal from the judgment of sentence in this matter entered on or about March 3, 2008. Proceedings as to the appeal shall proceed under Court of Appeals Docket Number 354947. Under the circumstances of the present matter, the direct appeal to which defendant is entitled in this Court, with the assistance of appointed counsel, pursuant to the federal court order is a direct application for leave to appeal as to his plea-based judgment of sentence. See MCR 7.203(A)(1)(b); *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005).

Further, this case is REMANDED to the St. Joseph Circuit Court for appointment of appellate counsel. The trial court shall enter an order appointing appellate counsel to represent defendant on appeal within 14 days after the date of this order and file a copy with this Court within seven days thereafter. Appointed counsel shall order preparation of any appropriate transcripts within 28 days after entry of the order of appointment. See MCR 7.205(G)(4)(b). Appointed counsel shall file a brief in support of the application for leave to appeal within 42 days after the later of entry of the order of appointment or filing of all ordered transcripts in the trial court. Counsel shall also file the items in support of the application required by MCR 7.205(B)(2)-(6). See MCR 7.205(G)(4)(c). Plaintiff may timely file an answer to the application for leave to appeal within 21 days after service of the supporting brief. See MCR 7.205(C).

*Christopher Murray*

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



October 1, 2020

Date

*Jerome W. Zimmer Jr.*  
Chief Clerk