

Order

Michigan Supreme Court
Lansing, Michigan

April 27, 2017

Stephen J. Markman,
Chief Justice

154121

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 154121
COA: 332326
Alpena CC: 12-004965-FC

JAMES DEAN BYARS,
Defendant-Appellant.

By order of November 30, 2016, the prosecuting attorney was directed to answer the application for leave to appeal the July 1, 2016 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. This denial is without prejudice to the defendant's right to file a motion for relief from judgment pursuant to MCR 6.500 *et seq.* that may include the issue of whether his appellate counsel provided ineffective assistance of counsel when appellate counsel failed to properly notice the defendant's pro se motion for a new trial and/or to seek an adjournment.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 27, 2017


Clerk