

Order

Michigan Supreme Court
Lansing, Michigan

January 5, 2017

Robert P. Young, Jr.,
Chief Justice

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

154181 & (10)(11)

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 154181
COA: 332367
Wayne CC: 14-002951-FC

JESSE MACKLAMOR WILLIAMS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 6, 2016 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for reconsideration of the defendant's April 6, 2016 delayed application for leave to appeal under the standard applicable to direct appeals. The defendant's former appellate attorney failed to timely file in the Court of Appeals, on direct review, a delayed application for leave to appeal within the deadlines set forth in MCR 7.205(G)(3). Because appointed counsel died shortly before the time expired for seeking leave to appeal under MCR 7.205(G), the defendant was constructively denied the assistance of counsel altogether. See *Roe v Flores-Ortega*, 528 US 470, 477; 120 S Ct 1209; 145 L Ed 2d 985 (2000); *Peguero v United States*, 526 US 23, 28; 119 S Ct 961; 143 L Ed 2d 18 (1999). The motion to add additional issue and the motion to remand to the trial court are DENIED as moot.

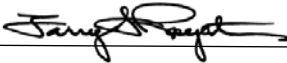
We do not retain jurisdiction.



s1212

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.

January 5, 2017


Clerk