

Order

Michigan Supreme Court
Lansing, Michigan

April 25, 2019

Bridget M. McCormack,
Chief Justice

155016

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 155016
COA: 333491
Oakland CC: 2002-187273-FC

FREDERICK SEEKINS,
Defendant-Appellant.

By order of May 1, 2018, the defendant's appellate counsel was directed to file a supplemental brief. On order of the Court, the brief having been received, the application for leave to appeal the November 9, 2016 order of the Court of Appeals is again 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 June 17, 2016 application for leave to appeal under the standard applicable to direct appeals. Appellate counsel admits that she did not meet with the defendant until two days after the deadline for filing a delayed application for leave to appeal. Accordingly, the defendant was deprived of his direct appeal as a result of constitutionally ineffective assistance of counsel. See *Roe v Flores-Ortega*, 528 US 470, 477 (2000); *Peguero v United States*, 526 US 23, 28 (1999).

We do not retain jurisdiction.



t0418

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 25, 2019

Clerk