

Order

Michigan Supreme Court
Lansing, Michigan

December 20, 2017

Stephen J. Markman,
Chief Justice

155775

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 155775
COA: 336849
Kent CC: 16-002253-FC

GABINO XILOJ-PEREZ,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 24, 2017 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 Kent Circuit Court to determine whether the defendant provided a completed Notice of Right to Appellate Review and Request for Appointment of Attorney form to a deputy to return to the court pursuant to MCR 6.425(F)(3). If the defendant did so, the trial court shall appoint appellate counsel to represent the defendant. See *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005). Substitute appellate counsel, once appointed, may file an application for leave to appeal in the Court of Appeals for consideration under the standard for direct appeals, and/or any appropriate postconviction motions in the circuit court, within six months of the date of the circuit court's order appointing counsel. If the court finds that the defendant did not make a timely effort to request appellate counsel, it shall exercise its discretion in deciding whether to appoint appellate counsel.



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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.

December 20, 2017

Clerk