Order

Michigan Supreme Court
Lansing, Michigan

July 27, 2018

157147

Stephen J. Markman,
Chief Justice

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: 157147
COA: 339127
Lapeer CC: 16-012458-FH

ROGER WILLIAM REID,
Defendant-Appellant.

_____/

On order of the Court, the application for leave to appeal the December 7, 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 Lapeer Circuit Court for a determination whether the defendant is indigent, and if so, for the appointment of appellate counsel in light of *Halbert v Michigan*, 545 US 605 (2005). Appointed counsel may file an application for leave to appeal the defendant's October 6, 2016 plea-based conviction to the Court of Appeals, and/or any appropriate postconviction motions in the trial court, within six months of the date of the circuit court's order appointing counsel. The defendant, through no fault of his own, was deprived of the opportunity to have appointed appellate counsel file a timely motion to withdraw the plea and application for leave to appeal due to the trial court's failure to timely respond to the defendant's January 3, 2017 request for counsel pursuant to MCR 6.425(G)(1)(a) and the trial court's corresponding delay in ordering transcripts.

We do not retain jurisdiction.

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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.

July 27, 2018

Clerk