

Order

Michigan Supreme Court
Lansing, Michigan

June 26, 2006

Clifford W. Taylor,
Chief Justice

130627

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

ADRIAN RYANEN SWAIN,
Defendant-Appellant.

SC: 130627
COA: 264522
Ottawa CC: 04-028191-FC,
04-028175-FC

AMENDMENT TO ORDER

On order of the Court, the order of June 21, 2006 is amended to correct a clerical error by correcting the tet thereof to read as follows:

“On order of the Court, the application for leave to appeal the January 10, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Ottawa Circuit Court for a determination of whether defendant is indigent and, if so, for the appointment of appellate counsel, in light of *Halbert v Michigan*, 545 US ___; 125 S Ct 2582; 162 L Ed 2d 552 (2005). Appointed counsel may file an application for leave to appeal with the Court of Appeals, and/or any appropriate postconviction motions in the trial court, within twelve months of the date of the circuit court’s order appointing counsel, as, at the time defendant was denied counsel, he was entitled to file pleadings within twelve months of sentencing reather than six. See the former versons of MCR 7.205(F)(3), MCR 6.311, and MCR 6.429. Counsel may include among the issues raised, but is not required to include, those issues raised by defendant in his application for leave to appeal to this Court. In all other respects, leave to appeal is DENIED, because we are not persuaded that the questions presented should now be reviewed by this Court.

We do not retain jurisdiction.”



I, Corbin R. Davis, 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.

June 26, 2006

Corbin R. Davis

Clerk