

Order

Michigan Supreme Court
Lansing, Michigan

December 9, 2015

150815

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

TIMOTHY WADE HORTON,
Defendant-Appellant.

SC: 150815
COA: 324071
Oakland CC: 2013-247924-FH

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

On order of the Court, the application for leave to appeal the November 19, 2014 order of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the defendant's unconditional no contest plea waived his claim of ineffective assistance of trial counsel based on trial counsel's failure to make a motion to dismiss for a 180-day rule violation, MCL 780.131 and 780.133, in light of *People v Lown*, 488 Mich 242, 267-270 (2011), or for constitutional speedy trial violations; (2) whether the defendant's unconditional no contest plea waived his claim of ineffective assistance of trial counsel for trial counsel's failure to inform the defendant that an unconditional no contest plea would waive his right to appeal on the basis of a 180-day rule violation or constitutional speedy trial violations; and (3) whether trial counsel's failure to inform the defendant that his unconditional no contest plea would waive his right to appeal on the basis of a 180-day rule violation and constitutional speedy trial violation made defendant's plea unknowing and involuntary. We further ORDER the Oakland Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint the State Appellate Defender Office to represent the defendant in this Court.

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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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 9, 2015

Clerk