

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Terry Darcel Brooks**

Docket No. **271831**

L.C. No. **05-011254-01**

Michael J. Talbot, Judge, acting under MCR 7.211(E)(2), orders:

Defendant-appellant's appointed counsel filed defendant-appellant's brief on appeal on August 1, 2007. On August 30, 2007, defendant-appellant submitted the following *pro se* pleadings for filing under Administrative Order 2004-6, Standard 4: an 82-page supplemental brief; a motion to file a supplemental brief that exceeds the 50-page limit for briefs provided under MCR 7.212(B); a motion for preemptory reversal that raises issues in addition to those raised in the proffered supplemental brief; and a motion to strike the brief on appeal filed by appointed counsel. On or about the same date, appointed counsel Neil J. Leithauser filed a motion in the trial court, alleging an irreparable breakdown in the attorney-client relationship and requesting that counsel be allowed to withdraw and substitute counsel be appointed to represent defendant-appellant on appeal. The records of this Court reflect that Mr. Leithauser's motion remains unresolved in the trial court.

Under the circumstances, the brief on appeal filed on August 1, 2007, is STRICKEN and if the trial court has not already done so, the trial court is directed to appoint counsel to replace Mr. Leithauser. The Clerk is directed to return the *pro se* pleadings that have been submitted, both because they are premature now that the brief on appeal has been stricken and because the motion to strike and motion for preemptory reversal are not permissible *pro se* filings under Administrative Order 2004-6, Standard 4. The administrative order permits a defendant to raise issues in a supplemental brief and permits the filing of accompanying *pro se* motions that may be necessary to allow the effective review of the issues raised in the supplemental brief; the administrative order neither permits the filing of a motion to effect the timing of the submission of the *pro se* issues such as a motion for preemptory reversal nor permits a motion to strike a brief filed by appointed counsel.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

October 10, 2007
Date

Sandra Schultz Mengel
Chief Clerk