IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v John Sherman Russell III**
Docket No. **276456**
L.C. No. **06-008197-FH**

E. Thomas Fitzgerald, Judge, acting under MCR 7.217 and MCR 7.219(I), orders:

This cause is REMANDED to the trial court for the appointment of substitute counsel, current counsel having failed to timely file the brief on appeal.

John F. Gorniak (P49852), appointed counsel for appellant, shall pay to the Clerk of this Court, within 21 days of the certification of this order, court costs in the sum of $250 for allowing this appeal to appear on the involuntary dismissal docket. Such costs are personal to the attorney and shall not be charged back to the County or to the State.

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

SEP 19 2007
Date

Sandra Schultz Mengel
Chief Clerk