

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Charles Ray Johnson**

Docket No. **276485**

L.C. No. **2000-405817-FH; 2001-405312-FH & 2001-405450-FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The delayed application for leave to appeal filed on February 27, 2007, is DISMISSED for lack of jurisdiction because the application was not filed within 12 months of the January 30, 2006 order appointing appellate counsel and appellant failed to satisfy the first exception of MCR 7.205(F)(4) by not filing the application within 21 days of the January 11, 2007 order denying the postjudgment motion. As demonstrated by the recent order in *People v LaPlante*, -- Mich -- (2007, Supreme Court number 132560) the time to proceed in any appeal where counsel was initially denied is when appellate counsel is subsequently appointed. Second, from that point on the defendant must proceed within the court rule requirements when counsel was initially denied. The court rules then and now require the application to be filed within 21 days.



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

MAR 14 2007

Date

Sandra Schultz Mengel
Chief Clerk