

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Casimir Richard Poniedzialek II**
Docket No. **277456**
L.C. No. **01-008369-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 from the December 21, 2001 judgment of sentence is DISMISSED since substitute appellate counsel failed to file the motion to withdraw plea or for mental health examination within 12 months of the entry of the January 18, 2006 order appointing appellant's first appellate attorney under the mandates of *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005). MCR 7.205(F)(4), *People v Jones*, 474 Mich 864; 703 NW2d 803 (2005).



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

MAY - 9 2007

Date

Sandra Schultz Mengel
Chief Clerk