

Court of Appeals, State of Michigan

ORDER

People of MI v Gordon Lee Shively

Docket No. 284474

LC No. 06-028103-FH

Brian K. Zahra
Presiding Judge

Michael J. Talbot

Kurtis T. Wilder
Judges

The Court orders that the delayed application for leave to appeal is GRANTED, as to the issue raised in the application. MCR 7.205(D)(4).

On the Court's own motion, we REMAND this matter to the trial court for the sole purpose of appointing appellate counsel, defendant-appellant having established his indigency through an affidavit of indigency filed in this Court.

Appointed counsel shall file a brief on appeal on behalf of defendant-appellant that addresses the issue raised by defendant-appellant in his application for leave to appeal to this Court. Counsel is directed to also address the following two issues:

Whether when offering a plea of guilty a defendant may waive the right to appellate counsel that otherwise attaches pursuant to *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005); and

If the right to appellate counsel can be waived in the process of offering a plea of guilty, whether defendant-appellant waived that right in the present case.

The time for taking further steps in this appeal runs from the date of the trial court's order appointing counsel. See e.g., *People v White*, 478 Mich 862; 731 NW2d 410 (2007).



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

SEP 04 2008

Date

Sandra Schultz Mengel
Chief Clerk