

Court of Appeals, State of Michigan

ORDER

People of MI v Kenneth Raymond Pringle

Docket No. 287058

LC No. 07-002016-FH

Peter D. O'Connell
Presiding Judge

William C. Whitbeck

Donald S. Owens
Judges

On the Court's own motion, the Clerk's Office is directed to docket defendant's delayed application for leave to appeal as having been timely filed within the deadline set forth in MCR 7.205(F). *People v Means*, 480 Mich 989 (2007).

The defendant's appellate attorney clearly failed to understand that the time period to file this application for leave to appeal started with entry of the judgment of sentence on June 18, 2007, and that the application had to be filed no later than June 18, 2008. See MCR 7.205(F)(3). The order denying the motion to withdraw the plea could only be used to determine when to file the application for leave to appeal if that motion was filed within six months after entry of the judgment of sentence and that decision on the motion did not occur until about 12 months after entry of the judgment of sentence. In that situation defendant has 21 days after entry of the order denying the motion to file the application for leave to appeal. See MCR 7.205(F)(4). Accordingly, the defendant was deprived of his appeal of his conviction and the judgment of sentence as a result of constitutionally ineffective assistance of appellate counsel. Costs are imposed against appellate counsel, only, in the amount of \$250, to be paid to the Clerk of this Court within 21 days of the Clerk's certification of the order.



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

SEP - 3 2008

Date

Sandra Schultz Mengel
Chief Clerk