

# Court of Appeals, State of Michigan

## ORDER

People of MI v Lamar Samuel Baskin

Docket No. 288882

LC No. 89-009160 FC

Patrick M. Meter  
Presiding Judge

William C. Whitbeck

Stephen L. Borrello  
Judges

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On the Court's own motion the Clerk's Office is directed to docket defendant's delayed application for leave to appeal filed on November 12, 2008, as having been timely filed within the deadline set forth in MCR 7.205(F). *People v Means*, 480 Mich 989 (2007), *People v McCoy*, 480 Mich 989 (2007), *People of Rodgers*, 480 Mich 989 (2007), and *People v Kipfer*, 480 Mich 990 (2007).

Defendant's appellate attorney failed to understand that, under the court rules, the period for filing the application for leave to appeal started upon entry of the judgment of sentence on July 30, 2007, and the application for leave to appeal had to be filed no later than November 14, 2007. See MCR 7.205(F)(3) and MCR 7.205(F)(4). The untimely filing of the motion for resentencing more than six months after entry of the judgment of sentence did not extend the time period to file the application for leave to appeal. See MCR 7.205(F)(4). Furthermore, Administrative Order 2005-2 that created only one exception to the six month period demonstrates that the fact that the crime was committed in 1989 was irrelevant.

Accordingly, defendant was deprived of a direct appeal of his resentencing as a result of constitutionally ineffective assistance of appellate counsel. Costs are imposed against appellate counsel Ronald D Ambrose (P45504) only, in the amount of \$250.00, to be paid to the Clerk of this Court within 21 days of the Clerk's certification of the order. This sanction is personal to the attorney and shall not be charged back to the county.



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

DEC 18 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk