

# Court of Appeals, State of Michigan

## ORDER

People of MI v Constance Diane Johnson

Docket No. 327883

LC No. 14-000346-FH

Amy Ronayne Krause  
Presiding Judge

Peter D. O'Connell

Michael F. Gadola  
Judges

---

On the Court's own motion, the Clerk's Office shall treat defendant's delayed application for leave to appeal as filed within the deadline set forth in MCR 7.205(G)(3) because appellate counsel's failure to file the delayed application within the deadline constituted ineffective assistance of counsel. *People v Means*, 480 Mich 989 (2007); *People v McCoy*, 480 Mich 989 (2007); *People v Rodgers*, 480 Mich 989 (2007); and *People v Kipfer*, 480 Mich 990 (2007). We note that the exceptions provided by MCR 7.205(G)(4) to extend the period for filing a delayed application in a criminal case in certain circumstances is inapplicable. Particularly, the delayed application was not filed within 42 days after the filing of the transcripts on April 29, 2015 so as to be timely under MCR 7.205(G)(4)(c) because it was not filed by June 10, 2015.

Attorney Melvin Houston (P36280) shall pay to the Clerk of this Court costs of \$250 within 21 days of the Clerk's certification of this order. This sanction is personal to the attorney and shall not be charged back to the county or the state.

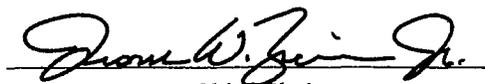
The Clerk's Office shall send a copy of this order to the Administrator of the Michigan Appellate Assigned Counsel System.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JUL 14 2015

Date

  
Chief Clerk