

Order

Michigan Supreme Court
Lansing, Michigan

November 20, 2013

Robert P. Young, Jr.,
Chief Justice

147059

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 147059
COA: 308852
Oakland CC: 2002-184901-FH

BILLY JOE ENGLISH,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 8, 2013 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals. The defendant's delayed application was not untimely under MCR 7.205(F)(4) because, under the unique circumstances presented, it was reasonable for appointed appellate counsel to calculate the due date for the delayed application from the date he received official and final notice that the outstanding transcript did not exist. On remand, the Court of Appeals shall decide whether to grant, deny, or order other relief, in accordance with MCR 7.205(D)(2).

We do not retain jurisdiction.



s1113

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 20, 2013


Clerk