

Order

Michigan Supreme Court
Lansing, Michigan

April 28, 2015

Robert P. Young, Jr.,
Chief Justice

150517

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 150517
COA: 322162
Wayne CC: 12-011658-FC

ANTHONY EVANS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the October 1, 2014 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 Wayne Circuit Court for the appointment of substitute appellate counsel, in light of *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005). The circuit court granted original appointed appellate counsel's motion to vacate the order of appointment of appellate counsel, but denied the defendant's motion for new appellate counsel. Even though counsel represented in his motion that there were no valid grounds for either a plea withdrawal or an appeal of the sentence imposed, he did not accompany his motion with legal analysis "referring to anything in the record that might arguably support the appeal," and the trial court did not make a finding that the "case is wholly frivolous." *Anders v California*, 386 US 738; 744, 87 S Ct 1396, 1400; 18 L Ed 2d 493 (1967). On remand, substitute appellate counsel, once appointed, may file an application for leave to appeal in the Court of Appeals for consideration under the standard for direct appeals, and/or any appropriate post-conviction motions in the circuit court, within six months of the date of the circuit court's order appointing counsel.

We do not retain jurisdiction.



s0420

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.

April 28, 2015

Clerk