

**Court of Appeals, State of Michigan**

**ORDER**

State Treasurer v Lawrence D Pontius

Docket No. 309693

LC No. 12-000072-CZ

Michael J. Riordan  
Presiding Judge

Joel P Hoekstra

Peter D. O'Connell  
Judges

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The motion to waive fees is GRANTED.

The motion for appointment of counsel is DENIED. Defendant is not entitled to appointed counsel where incarceration is not a possible result of his being unsuccessful in the litigation. *Mead v Batchlor*, 435 Mich 480, 498-499; 460 NW2d 493 (1990); *People v Daoust*, 228 Mich App 1, 18-19; 577 NW2d 179 (1998), overruled in part on other grounds, *People v Miller*, 482 Mich 540, 561; 759 NW2d 850 (2008).

The alternative motion for participation in oral argument via telephone conferencing is also DENIED because defendant failed to properly request oral argument in the manner required under MCR 7.214(A), and so, has waived his right to oral argument.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

**FEB 12 2013**

Date

  
Chief Clerk