

# Court of Appeals, State of Michigan

## ORDER

People of MI v Larry Robert Hale

Docket No. 315722

LC No. 2012-000595-FC

Donald S. Owens  
Presiding Judge

William C. Whitbeck

Patrick M. Meter  
Judges

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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(F)(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).

Attorney Martin O. Kirk (P43330) 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 defendant or any third party paying appellate counsel for representing defendant in this case.

We also note that this delayed application for leave to appeal filed after entry of the judgment of sentence in this case is plainly not an interlocutory criminal appeal and, thus, it is not properly expedited under MCR 7.213(C)(1). If defendant believes there are appropriate grounds to seek expedited consideration of his delayed application he is free to file an appropriate motion.



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

APR 26 2013

Date

  
Chief Clerk