

Court of Appeals, State of Michigan

ORDER

People of MI v Eddie Brown

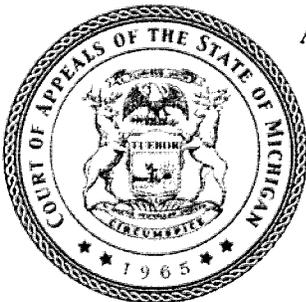
Docket No. 319404

LC No. 2010-232531-FC

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because it was not filed within 42 days of the entry of the judgment of sentence and, according to the trial court's records, the request for counsel was not filed until November 18, 2013, significantly beyond the 42-day requirement. MCR 7.204(A)(2); MCR 6.425(G).

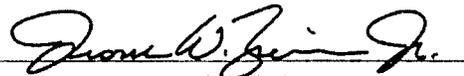
Under MCR 6.425(G), the trial court makes the initial determination as to whether a request for appointed counsel is timely. Appellate counsel attempts to bypass MCR 6.425(G) and requests that the Court of Appeals simply accept the long overdue claim of appeal as timely based solely on the affidavit of trial counsel. Appellate counsel has presented this Court with no relevant authority to support his request. Because the judgment of sentence was entered on February 14, 2011, the trial court indicates that the request for counsel was not filed until November 18, 2013, and the claim of appeal was not filed until December 3, 2013, it is clear that the claim of appeal is untimely. As a result, appellant may only challenge the judgment of sentence by filing a delayed application for leave to appeal under MCR 7.205(F).



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

DEC 11 2013

Date


Chief Clerk