

Court of Appeals, State of Michigan

ORDER

People of MI v Alex Marco Key

Michael J. Kelly
Presiding Judge

Docket No. 324076

Patrick M. Meter

LC Nos. 08-013704-FC; 08-013705-FC; 08-013706-FC;
08-013707-FC

Donald S. Owens
Judges

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(G)(4)(c) 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). Because current appellate defense counsel was appointed in orders entered on August 20, 2014, he was required to file the delayed application within 42 days of that date to meet the deadline set forth in MCR 7.205(G)(4)(c), but he failed to do so. The six-month deadline provided by MCR 7.205(G)(3) is inapplicable because the delayed application was filed more than six months after entry of the January 27, 2009 judgments of sentence.

Attorney Melvin Houston (P36280) 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 the county or the state.

The Clerk's Office shall send a copy of this order to Dawn Van Hoek, Director of the Michigan Appellate Assigned Counsel System.



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

NOV 03 2014

Date


Chief Clerk