

Court of Appeals, State of Michigan

ORDER

People of MI v Deandre Taiwan Haywood

Docket No. 345243

LC No. 18-003452-FH

Colleen A. O'Brien
Presiding Judge

Jane M. Beckering

Anica Letica
Judges

In accordance with the Michigan Supreme Court's May 20, 2020 order, *People v Haywood*, ___ Mich ___ (2020) (Docket No. 160753), and after plenary consideration of the arguments advanced by the parties on reconsideration, we VACATE our opinion of September 26, 2019, and REINSTATE the prosecutor's first-tier appeal. The failure of this Court to remand this matter to the Wayne Circuit Court for a determination of whether to appoint appellate counsel for defendant-appellee deprived defendant of his right to counsel in a preconviction appeal. See e.g., *People v Murphy*, 481 Mich 919 (2008). This matter is REMANDED to the Wayne Circuit Court for the appointment of appellate counsel. The circuit court shall transmit a copy of the order appointing counsel to the Clerk of this Court within 7 days of the decision. Appointed counsel shall file defendant's appellee's brief within 35 days of the date of this order. MCR 7.212(A)(2)(a)(ii). The prosecutor may file a reply brief.

This Court retains jurisdiction. This order has immediate effect. MCR 7.215(F)(2).

Colleen A. O'Brien

Presiding Judge



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

October 5, 2020

Date

Jerome W. Zimmer Jr.

Chief Clerk