Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V DEREK ALEXANDER ORTIZ

Docket No. **375728**

LC No. **2024-009578-FH**

Michael F. Gadola, Chief Judge, acting under MCR 7.211(E)(2), orders:

On the Court's own motion, in light of the lack of response to the State Appellate Defender Office's efforts to contact defendant, as discussed in the trial court motion to vacate order of appointment, this appeal is DISMISSED pursuant to MCR 7.216(A)(7).

The final judgment of dismissal is STAYED for a period of 28 days within which period appellant may file a written communication with this Court. The communication shall be treated by the Court as a motion for reconsideration.

Appellate defense counsel is advised that the trial court does not have authority to dismiss an appeal after it is filed in this Court. Accordingly, in circumstances where appointed appellate defense counsel receives no response to diligent efforts to contact the defendant and an appeal is pending in this Court, it would be preferable for counsel to file a motion for guidance in this Court rather than a motion to vacate order of appointment in the trial court. Also, counsel is obligated to serve a copy of this order on defendant at his last known address per MCR 7.215(E)(2).

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

December 5, 2025
Date

Chief Clerk