Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V DAVID DWAYNE SANDERS

Docket No. 381022

LC No. 2013-000217-FC

Matthew S. Ackerman
Presiding Judge

Brock A. Swartzle

Anica Letica
Judges

The motion to waive fees is GRANTED for this case only.

In lieu of granting the delayed application for leave to appeal, and as authorized by MCR 7.205(E)(2), the April 18, 2026 order of the Barry Circuit Court is VACATED in part, and this matter is REMANDED to the trial court for entry of an order restarting the time in which defendant may request appellate counsel or file an appeal from his May 24, 2013 original judgment of sentence. MCR 6.428. An appeal taken after conviction and the imposition of probation may "only cover matters arising up to that time," while an appeal taken after a probation violation hearing "must necessarily be limited to those matters relating to the probation violation and the hearing thereon." *People v Pickett*, 391 Mich 305, 316; 215 NW2d 696 (1974); see also, *People v Kaczmarek*, 464 Mich 478, 485; 628 NW2d 484 (2001). In the present case, by acts or omissions, defendant's appointed appellate counsel and the trial court deprived defendant of first-tier appellate review of his guilty pleas and his accompanying sentence. In all other regards, the delayed application is DENIED for lack of merit in the grounds presented.

This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.

Presiding Judge

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

August 25, 2026
Date

Chief Clerk