

Court of Appeals, State of Michigan

ORDER

People of MI v Jacob Grayson Schlottman

James Robert Redford
Presiding Judge

Docket No. 354198

Jane E. Markey

LC No. 2013-000632-FC

Jane M. Beckering
Judges

The motion for immediate consideration is GRANTED.

The application for leave to appeal is DENIED because defendant has failed to establish that the trial court erred in denying defendant's motion to reissue judgment of sentence and to correct an invalid sentence that was filed over seven years after the trial court imposed sentence in this case.



James Robert Redford
Presiding Judge

Beckering, J., concurs in granting the motion for immediate consideration. However, J. Beckering would conclude that defendant's appointed appellate counsel rendered ineffective assistance when he failed to file an application for leave to appeal or a motion to correct an invalid sentence in a timely manner, or alternatively a motion to withdraw that met the requirements of *Anders v California*, 386 US 738, 744; 87 S Ct 1396; 18 L Ed2d 493 (1967). He thereby deprived defendant of his opportunity to present submissions for consideration under the standard for direct appeals. *People v McKay*, 504 Mich 898, 898; 929 NW2d 284 (2019); *People v Goodman*, 485 Mich 1119; 779 NW2d 254 (2010); *People v Mills*, 485 Mich 960; 774 NW2d 524 (2009). The trial court then serially appointed a host of appellate attorneys who proceeded to kick the can down the road in what SADO aptly described as "a nightmare scenario," to where we are now, seven years later, without defendant ever having had the opportunity to present submissions under the standard for direct appeals due to no fault of his own. Pursuant to MCR 7.205(E)(2), and in lieu of granting the application for leave to appeal, J. Beckering would order that defendant be entitled to file an application for leave to appeal his convictions and sentences in the Court of Appeals under the standard for direct appeals, and/or any appropriate post-conviction motions in the circuit court, within six months of the date of this Court's order. *People v Sanchez*, ___ Mich ___; ___ NW2d ___ (issued May 26, 2020, Docket No. 160032); *McKay*, 504 Mich at 898.



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

AUG 27 2020

Date



Chief Clerk