Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V MARCUS EVESTA HICKS

Docket No. 382066

LC No. 15-007883-01-FC

Thomas C. Cameron
Presiding Judge

Adrienne N. Young

Philip P. Mariani
Judges

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

The delayed application is DENIED for lack of merit in the grounds presented. Defendant is correct that the trial court quoted an outdated version of MCR 6.428, rather than the version of the rule that was in effect at the time the motion to restore appellate rights was filed and decided. Whether under the version of the rule in effect at the time the motion was filed and decided, or under the version of MCR 6.428 now in effect, the trial court reached the correct result by denying the motion to restore appellate rights, as defendant has not demonstrated that he "was denied the right to appellate review or the appointment of counsel due to errors by the defendant's prior attorney or the court, or other factors outside the defendant's control . . . ." MCR 6.428. Rather, defendant was appointed counsel to pursue an appeal after his plea-based convictions, but then decided not to move forward with that appeal and signed a waiver to that effect. Defendant has not demonstrated that his decision resulted in the denial of appellate review due to errors by his prior counsel, the trial court, or other factors outside his control.

Presiding Judge

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

November 9, 2026
Date

Chief Clerk