

Order

Michigan Supreme Court
Lansing, Michigan

January 30, 2021

Bridget M. McCormack,
Chief Justice

ADM File No. 2020-08

Amendment of Administrative
Order No. 2020-21

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

Order Allowing Notice of Filing
to Extend Filing Period in
Michigan Supreme Court and
Michigan Court of Appeals, and
Extending Request for Appellate
Counsel Deadline

On order of the Court, the following amendment of Administrative Order No. 2020-21 is adopted, effective immediately.

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

As of November 20, 2020, nearly half of Michigan's prisons are considered outbreak sites of the COVID-19 virus. As a result, many prison facilities have restricted access to or closed the prison libraries, where self-represented inmates primarily work on pursuing their legal claims. And due to the prevalence of remote sentencing proceedings, some defendants face difficulty and delay in obtaining and submitting forms to request appellate counsel. These restrictions are impeding the ability of incarcerated individuals to complete the necessary legal pleadings to proceed with a criminal appeal.

Therefore, on order of the Court, pursuant to 1963 Const, Art VI, Sec 4, which provides for the Supreme Court's general superintending control over all state courts, the Court adopts the following alternative procedure for inmates who seek to file appeals with the Michigan Supreme Court and Michigan Court of Appeals in criminal cases only:

1.-2. [Unchanged.]

3. If the defendant is indigent, a request for the appointment of appellate counsel under MCR 6.425(F)(3) must be granted if it is received by the trial court or the Michigan Appellate Assigned Counsel System (MAACS) within 6 months after sentencing. See

MCR 6.425(G)(1)(d). This provision applies to all cases in which sentencing took place between March 24, 2020 and the end of the tolling period.

34. The tolling period established by this order shall expire on March~~February~~ 1, 2021, unless it is extended by further order of the Court.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 30, 2021

Handwritten signature of Larry S. Royster in black ink.

Clerk