

**STATE OF MICHIGAN**  
**IN THE COURT OF APPEALS**

**PEOPLE OF THE STATE OF MICHIGAN**

Plaintiff-Appellee

**Court of Appeals No. 277419**

**Lower Court No. 06-7903-01**

-vs-

**RANDALL A. RAAR**

Defendant-Appellant.

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**WAYNE COUNTY PROSECUTOR**

Attorney for Plaintiff-Appellee

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**MARLA R. MCCOWAN (P57218)**

Attorney for Defendant-Appellant

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**MOTION FOR PERMISSION TO ORDER LATE TRANSCRIPT**

**CERTIFICATE OF SERVICE**

**STATE APPELLATE DEFENDER OFFICE**

**BY: MARLA R. MCCOWAN (P57218)**

**Assistant Defender**

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**MOTION FOR PERMISSION TO ORDER LATE TRANSCRIPT**

Defendant **RANDALL A. RAAR**, through his attorneys, the **STATE APPELLATE DEFENDER OFFICE**, by **MARLA R. MCCOWAN**, moves this Court to grant permission to order late transcript and says in support thereof that:

1. Defendant-Appellant was convicted of three counts of computers/use of internet to communicate with another to commit a crime, sixteen counts of possession of child sexually abusive material, one count of felon in possession of a firearm, and one count of felony firearm, on February 27, 2007, before the Honorable Robert J. Colombo Jr. in the Wayne County Circuit Court.

2. On March 16, 2007, Defendant was sentenced to 13 months to 180 months for using a computer to commit a crime, 13 months to 72 months for possession of child sexually abusive material, 13 months to 90 months for being a felon in possession of a firearm; to be served consecutively to a mandatory term of 2 years in prison for felony firearm.

3. The State Appellate Defender Office was appointed to perfect an appeal and/or pursue post-conviction remedies on April 11, 2007. The Claim of Appeal was simultaneously filed. MCR 6.427(F)(3).

4. On June 7, 2007 counsel was assigned to this case.

5. The undersigned's initial review of the file revealed that all relevant transcripts were received. However, close inspection of the trial transcripts themselves appear to indicate that additional hearings were conducted on November 8, 2006 and February 23, 2007, which are not reflected in the docket entries. Upon information and belief, a hearing was actually conducted on February 23, 2007.

6. Review of this February 23, 2007 transcript, if it exists, is particularly important were the trial court record refers to preservation of objections made in connection with the Defendant-Appellant's Motion in Limine noticed for hearing on that date. (See attached Motion/Praecipe/Notice of Hearing).

7. Undersigned counsel can not proceed with an analysis of the relative merits of the issues on appeal without a full understanding of the arguments presented and parameters of any objections made and trial court rulings thereof.

8. A request has been made for the trial court to issue an Order requiring that these proceedings be transcribed. (Attached).

9. Until the transcript(s) is/are filed, appellate counsel cannot prepare the brief.

**WHEREFORE**, Defendant moves for permission to order the late transcript(s), and for the due dates of the Brief on Appeal to be computed from the filing of this/these transcript(s).

Respectfully submitted,

**STATE APPELLATE DEFENDER OFFICE**

BY: \_\_\_\_\_

**MARLA R. MCCOWAN (P57218)**  
**Assistant Defender**

Date: September 21, 2007

## **APPENDIX**

**STATE OF MICHIGAN**  
**IN THE COURT OF APPEALS**

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Plaintiff-Appellee

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Defendant-Appellant.

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**CERTIFICATE OF SERVICE**

**Marla R. McCowan** , Attorney at Law, hereby certifies that on September 21, 2007, she filed with this Court the **MOTION FOR PERMISSION TO ORDER LATE TRANSCRIPT** and **CERTIFICATE OF SERVICE**

and she mailed one copy of same to:

**WAYNE COUNTY PROSECUTOR**

Appellate Division □ 1100 Frank Murphy Hall  
of Justice □ 1441 St Antoine □ Detroit, MI  
48226

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**MARLA R. MCCOWAN (P 57218)**