

NOTICE OF REPRIMAND

Case No. 98-237-GA

Sidney Barthwell, Jr., P-44450, Detroit, Michigan, by
Attorney Discipline Board Tri-County Hearing Panel #33.

- 1) Reprimand;
- 2) Effective March 3, 1999.

Respondent was appointed to represent the complainant in an appeal of a criminal conviction. Respondent admitted that he filed an application for leave to appeal rather than an appeal of right, to which the complainant was entitled; and failed to advise the Court of Appeals that the complainant's sentence violated *People v Johnson*, 205 Mich App 144 (1994), in that the sentence did not credit the complainant with the 243 days of incarceration he served prior to sentence.

The panel concluded that respondent's conduct violated MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.1(b); 1.2(a); and 8.4(a) and (c).

Costs were assessed in the amount of \$257.23.