

Court of Appeals, State of Michigan

ORDER

People of MI v Dave Anthony Richards

Docket No. 306209

LC No. 07-020663-FC

Karen M. Fort Hood
Presiding Judge

Kurtis T. Wilder

Kirsten Frank Kelly
Judges

The Court orders that the motion for reconsideration is GRANTED. We VACATE our order of November 15, 2011, in part. With regard to the trial court's September 21, 2010, order, we DENY defendant's delayed application for leave to appeal for lack of merit in the grounds presented. The decision in *Padilla v Kentucky*, 599 US ____; 130 S Ct 1473; 176 L Ed 2d 284 (2010), is only entitled to prospective application. *People v Gomez*, ____ Mich App ____, ____; ____ NW2d ____ (2012).


The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 24 2012

Date


Chief Clerk