

# Court of Appeals, State of Michigan

## ORDER

People of MI v David Kataja

Docket No. 317720

LC No. 07-213611-FH

E. Thomas Fitzgerald  
Presiding Judge

Pat M. Donofrio

Elizabeth L. Gleicher  
Judges

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The Court orders that the application for leave to appeal is DENIED because defendant has failed to meet the burden of establishing entitlement to relief under MCR 6.508(D). Defendant alleges grounds for relief that could have been raised previously and has failed to establish both good cause for failing to previously raise the issues and actual prejudice from the irregularities alleged. Defendant has not established that good cause should be waived. MCR 6.508(D)(3)(a) and (b).

The motion to remand is DENIED.

Gleicher, J., would grant defendant's application for leave to appeal regarding whether the prosecutor committed misconduct by failing to disclose information regarding the complainant that may have been required pursuant to *Brady v Maryland*, 373 US 83 (1963), and as to whether both trial and appellate counsel were constitutionally ineffective for the reasons stated in defendant's application papers. Gleicher, J., would also grant defendant's motion for remand.



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

**MAR 24 2014**

Date

Chief Clerk