

Court of Appeals, State of Michigan

ORDER

People of MI v William Earl Clemons III

Docket No. 324012

LC No. 2012-243435-FC

Pat M. Donofrio
Presiding Judge

Mark J. Cavanagh

Kathleen Jansen
Judges

The Court orders that the motion to waive fees is GRANTED and fees are WAIVED for this case only.

The delayed 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). The defendant alleges grounds for relief that were decided against him previously and he has failed to establish that a retroactive change in the law undermines the prior decision. MCR 6.508(D)(2). The defendant also alleges grounds for relief that could have been raised previously and he has failed to establish both good cause for failing to previously raise the issues and actual prejudice from the irregularities alleged, and has not established that good cause should be waived. MCR 6.508(D)(3)(a) and (b).

The motion for peremptory reversal pursuant to MCR 7.211(C)(4) is DENIED for failure to persuade the Court of the existence of manifest error requiring reversal and warranting peremptory relief without argument or formal submission.

The motion to file a supplemental brief is DENIED.



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

DEC 26 2014

Date

Chief Clerk