

Court of Appeals, State of Michigan

ORDER

People of MI v Patrick Neil Kinney

Docket No. 325948

LC No. 95-052345-FC

Pat M. Donofrio
Presiding Judge

Kathleen Jansen

Deborah A. Servitto
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 DISMISSED. Defendant has failed to demonstrate his entitlement to an application of any of the exceptions to the general rule that a movant may not appeal the denial of a successive motion for relief from judgment. MCR 6.502(G). Defendant's reliance on *Miller v Alabama*, 567 US ____; 132 S Ct 2455; 183 L Ed 2d 407 (2012), is unavailing because *Miller* does not apply retroactively and "neither the Eighth Amendment nor Const 1963, art 1, § 16 categorically bars the imposition of a life-without-parole sentence on a juvenile homicide offender." *People v Carp*, 496 Mich 440, 451; 852 NW2d 801 (2014).



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

APR - 1 2015

Date



Chief Clerk