

# Court of Appeals, State of Michigan

## ORDER

People of MI v Demetrius Jermaine Knuckles

Docket No. 326758

LC No. 91-001862-FC

Christopher M. Murray  
Presiding Judge

Michael J. Talbot

Karen M. Fort Hood  
Judges

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The Court orders that the delayed application for leave to appeal the October 6, 2014 order entered by the Wayne County Circuit Court is DISMISSED for lack of jurisdiction. Defendant bases his successive motion for relief from judgment on a retroactive change in the law and relies on *Miller v Alabama*, 567 US \_\_\_\_; 132 S Ct 2455; 183 LEd2d 407 (2012), in which the United States Supreme Court held that a sentence of mandatory life without parole for a person under the age of 18 years at the time of the offense violates the Eighth Amendment's prohibition against cruel and unusual punishment. However, the Michigan Supreme Court has held that *Miller* should not be applied retroactively to cases on collateral review. *People v Carp*, 496 Mich 440; 852 NW2d 801 (2014). Defendant may not appeal the denial of a successive motion for relief from judgment under MCR 6.502(G)(1) and defendant's assertion of a retroactive change in the law does not support an exception as required under MCR 6.502(G)(2).



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

JUN 10 2015

\_\_\_\_\_  
Date

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Jerome W. Zimmer Jr.  
Chief Clerk