

Court of Appeals, State of Michigan

ORDER

People of MI v Steven Lindsey McBurney

Docket No. 329247

LC No. 2007-214651-FC

Deborah A. Servitto
Presiding Judge

Michael J. Talbot

Mark J. Cavanagh
Judges

The Court orders that the motion to waive fees is GRANTED and fees are WAIVED for this appeal 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 the defendant 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).



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

OCT 29 2015

Date

Chief Clerk