

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Fletcher Darnell Small

Docket No. 329301

LC No. 80-029659-FC

Kathleen Jansen  
Presiding Judge

Henry William Saad

Deborah A. Servitto  
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 trial court properly determined that defendant's reliance on MCR 6.428 was misplaced because he filed a timely appeal of right. See *People v Ray*, 488 Mich 887; 788 NW2d 673 (2010).



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

**NOV 12 2015**

Date

Chief Clerk