

Order

Michigan Supreme Court
Lansing, Michigan

January 27, 2006

Clifford W. Taylor,
Chief Justice

129644

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 129644
COA: 260553
Kalamazoo CC: 97-001301-FC

JOHN ANDREW DORN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 16, 2005 order of the Court of Appeals is considered, and it is DENIED, because the defendant has failed to meet the burden of establishing entitlement to relief under MCR 6.508(D).

KELLY, J., dissents and states as follows:

I would remand to allow defendant his appeal as of right. Defendant lost that right because of the late filing of his petition. He alleges prison officials caused the late filing by delaying the mailing of his petition. This is another case that cries out for the Supreme Court to take action to adopt a prison mailbox rule in Michigan.



d0124

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 27, 2006

Corbin R. Davis

Clerk