

Order

Michigan Supreme Court
Lansing, Michigan

January 27, 2006

Clifford W. Taylor,
Chief Justice

129284

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: 129284
COA: 259640
Van Buren CC: 98-010954-FC

DANIEL AVILES,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 24, 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., would hold this case in abeyance for *Davis v Washington*, 2005 US LEXIS 7859.



d0120

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