

# Order

Michigan Supreme Court  
Lansing, Michigan

March 27, 2009

Marilyn Kelly,  
Chief Justice

137960

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 137960  
COA: 287608  
Wayne CC: 07-009514-FH

JOHNNY LEE BROWN,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the November 7, 2008 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, C.J. (*concurring*).

I concur in the order denying leave to appeal. I write separately only to note that this Court has not addressed defendant's argument regarding the imposition of costs and fees because it is not properly before the Court. However, defendant may raise the issue in a motion for relief from judgment under MCR 6.508.



10324

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.

March 27, 2009

*Corbin R. Davis*

Clerk