

# Order

Michigan Supreme Court  
Lansing, Michigan

September 7, 2012

Robert P. Young, Jr.,  
Chief Justice

144384 & (13)(14)(15)(16)(20)(21)(22)

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 144384  
COA: 304075  
Wayne CC: 94-002089

CORTEZ ROLAND DAVIS,  
Defendant-Appellant.

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On order of the Court, the motions for immediate consideration and the motion to intervene are GRANTED. The application for leave to appeal the November 16, 2011 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Wayne Circuit Court for reconsideration of the defendant's successive motion for relief from judgment in light of *Miller v Alabama*, 567 US \_\_\_; 132 S Ct 2455; 183 L Ed 2d 407 (2012), including the question whether *Miller* applies retroactively to cases that have become final on direct review. The motion to withdraw the application, the motion to concur with the request for leave, and the motion for stay are DENIED as moot.

We do not retain jurisdiction.



h0904

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.

September 7, 2012

*Corbin R. Davis*

Clerk