

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Jon Paul Kean

Docket No. 321446

LC No. 2008-001131-FH

Jane M. Beckering  
Presiding Judge

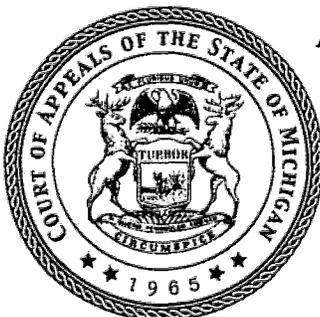
Jane E. Markey

Douglas B. Shapiro  
Judges

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The Court orders that the motion to waive fees is GRANTED and fees are WAIVED for this case only.

The Court further orders that the delayed application for leave to appeal is GRANTED, in part, limited to the issues whether the trial court erroneously instructed the jury regarding an element of the conspiracy offense in response to a question posed by the jury during deliberations and whether appellate counsel rendered ineffective assistance of counsel by failing to raise this issue on direct appeal. MCR 7.205(E)(4). The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(E)(3). In all other regards, 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 defendant alleges grounds for relief that could have been raised previously and he has failed to establish both good cause for failing to previously raise the issues and actual prejudice from the irregularities alleged, and has not established that good cause should be waived. MCR 6.508(D)(3)(a) and (b).



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

**JUN 3 0 2014**

Date

*Jerome W. Zimmer Jr.*  
Chief Clerk