

Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V BARRY S WALMSLEY JR

Jessica R. Cooper
Presiding Judge

Docket No. 275138

Kathleen Jansen

LC No. 96-502886-01

Pat M. Donofrio
Judges

The Court orders that 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). Defendant's delayed application raised one meritorious argument: that his convictions for first-degree premeditated murder and first-degree felony murder arising from a single killing violated constitutional guarantees against double jeopardy. This issue is now moot since the trial court corrected the judgment of sentence to reflect a single conviction.

The Court orders that the motion to remand is DENIED because defendant has failed to demonstrate an issue which should be decided initially by the trial court. MCR 7.211(C)(1)(a)(i).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 6 2007

Date

Sandra Schultz Mengel
Chief Clerk