

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Terry L Morris

Docket No. 324560

LC No. 87-037651-FC

Pat M. Donofrio  
Presiding Judge

Mark J. Cavanagh

Kathleen Jansen  
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 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). In addition, defendant's reliance on *Miller v Alabama*, 567 US \_\_\_; 132 S Ct 2455; 183 L Ed 2d 407 (2012), is unavailing because *Miller* does not apply retroactively and "neither the Eighth Amendment nor Const 1963, art 1, § 16 categorically bars the imposition of a life-without-parole sentence on a juvenile homicide offender." *People v Carp*, 496 Mich 440, 451; 852 NW2d 801 (2014).

The motion to remand to conduct a *Ginther* hearing is DENIED.



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

**JAN 06 2015**

Date

Handwritten signature of Jerome W. Zimmer Jr. in black ink.

Chief Clerk