

# Court of Appeals, State of Michigan

## ORDER

People of MI v John Marshall Atkins Jr

Docket No. 324953

LC No. 89-095782-FC

Henry William Saad  
Presiding Judge

Deborah A. Servitto

Elizabeth L. Gleicher  
Judges

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

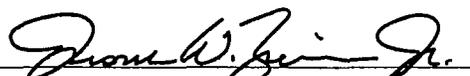
The delayed application for leave to appeal is DENIED because defendant has failed to meet the burden of establishing entitlement to relief under MCR 6.508(D). The defendant alleges grounds for relief that could have been raised previously and he has failed to establish both good cause for failing to 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). 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).



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

JAN 21 2015

Date

  
Chief Clerk