

Order

Michigan Supreme Court
Lansing, Michigan

March 4, 2013

Robert P. Young, Jr.,
Chief Justice

145945 & (25)

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 145945
COA: 308103
Oakland CC: 2001-180525-FH

WILLIAM SIM SPENCER,
Defendant-Appellant.

On order of the Court, the motion for immediate consideration is DENIED. The application for leave to appeal the September 21, 2012 order of the Court of Appeals is considered, and it is DENIED, because the defendant has failed to meet the burden of establishing entitlement to relief under MCR 6.508(D). The later changes to the Sex Offenders Registration Act (SORA), MCL 28.721 *et seq.*, did not render the defendant's 2001 guilty plea involuntary. The proper means of obtaining relief, if any, for the retroactive application of new restraints on liberty imposed by the amendments to the SORA would be for the defendant to raise his *ex post facto* claims in a civil action for declaratory judgment on his release from prison.

VIVIANO, J., not participating.



h0225

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.

March 4, 2013

Corbin R. Davis

Clerk