

# Court of Appeals, State of Michigan

## ORDER

People of MI v Charles Lewis

Docket No. 315520

LC No. 76-005890-01-FC

Michael J. Talbot  
Presiding Judge

Kirsten Frank Kelly

Michael J. Riordan  
Judges

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In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the October 17, 2012, order of the Wayne County Circuit Court, which granted defendant's motion for resentencing pursuant to *Miller v Alabama*, 567 US \_\_\_; 132 S Ct 2455; 183 L Ed 2d 407 (2012), is REVERSED. In *People v Carp*, 298 Mich App 474, 537; 828 NW2d 685 (2012), this Court held that *Miller* is not to be applied retroactively to those cases on collateral review. Because defendant exhausted his direct appeal from his 1977 conviction and sentence before *Miller* was decided, he was not entitled to resentencing under *Miller*. Accordingly, the trial court erred in granting his motion for resentencing.

Pursuant to MCR 7.215(F)(2), this order shall take immediate effect. The Court retains no further jurisdiction.



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

AUG 29 2013

\_\_\_\_\_  
Date

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Chief Clerk