Court of Appeals, State of Michigan

ORDER

People of MI v Cortez Roland Davis

Docket No. 314080

LC No. 94-002089-01-FC

Kirsten Frank Kelly
Presiding Judge

Michael J. Talbot

Christopher M. Murray
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court further orders that the December 11, 2012, order of the Wayne County Circuit Court, which granted defendant's motion for judgment relief and granted resentencing pursuant to *Miller v Alabama*, 567 US ___; 132 S Ct 2455; 183 L Ed 2d 407 (2012), is REVERSED. In *People v Carp*, ___ Mich App ___; ___ NW2d ___ (Docket No. 307758, issued November 15, 2012), slip opinion, pp 24-31, this Court held that *Miller* is not to be applied retroactively to those cases on collateral review. The *Carp* decision has precedential effect under the rule of stare decisis, and the circuit court is required to follow published decisions from this Court. See MCR 7.215(C)(2); *People v Hunt*, 171 Mich App 174, 180; 429 NW2d 824 (1988).

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 Larry S. Royster, Chief Clerk, on

JAN 16 2013
Date

Chief Clerk