

Order

Michigan Supreme Court
Lansing, Michigan

December 5, 2005

127985 & (19)

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

MATTHEW DAVID BRADY,
Defendant-Appellant.

Clifford W. Taylor,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

SC: 127985
COA: 256711
Ottawa CC: 03-027056-FH

On order of the Court, the application for leave to appeal the December 16, 2004 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 motion to remand to the trial court for an evidentiary hearing is DENIED.

CAVANAGH, J., would remand this case to the trial court for correction of the sentence.

KELLY, J., would remand this case for a hearing pursuant to *People v Ginther*, 390 Mich 436 (1973).



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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.

December 5, 2005

Corbin R. Davis

Clerk