

Order

Michigan Supreme Court
Lansing, Michigan

January 9, 2009

Marilyn Kelly,
Chief Justice

137338

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 137338
COA: 285845
Kalamazoo CC: 94-000719-FC

GARY THOMAS FRANKLIN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 21, 2008 order of the Court of Appeals is considered, and it is DENIED, because the defendant's motion for relief from judgment is prohibited by MCR 6.502(G). To the extent that the defendant's motion involves a request for DNA testing under MCL 770.16, the defendant fails to establish an entitlement to DNA testing because he fails to satisfy the four conditions set forth in MCL 770.16(3).

HATHAWAY, J., not participating.



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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.

January 9, 2009

Corbin R. Davis

Clerk