

MICHIGAN SUPREME COURT

People of Michigan v. Derek Leron Bishop

No. SC: 156935, Michigan Supreme Court (October 2, 2018)

SUMMARY

The Michigan Supreme Court denied defendant's application for leave to appeal, holding that he failed to meet his burden of establishing entitlement to relief from judgment under MCR 6.508(D). The per curiam order affirms the Court of Appeals' October 27, 2017 order. This case addresses the standard for post-conviction relief under Michigan court rules and the defendant's burden of proof.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Stephen J. Markman; Brian K. Zahra; Bridget M. McCormack; David F. Viviano; Richard H. Bernstein; Kurtis T. Wilder; Elizabeth T. Clement
JURISDICTION	Michigan
DECIDED	October 2, 2018
DOCKET	SC: 156935
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Application for leave to appeal from the Court of Appeals order.
PRECEDENTIAL VALUE	unpublished
PARTIES	Derek Leron Bishop v. People of the State of Michigan

TOPICS

criminal procedure

habeas corpus

appellate procedure

HOLDINGS

- The application for leave to appeal is denied because the defendant failed to meet the burden of establishing entitlement to relief under MCR 6.508(D).

KEY QUOTATIONS

"On order of the Court, the application for leave to appeal the October 27, 2017 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).” (1)

FACTUAL BACKGROUND

The defendant was convicted of a criminal offense in the Berrien County Circuit Court (case number 2013-015338-FC) and sought post-conviction relief under MCR 6.508(D). The Court of Appeals denied relief, and the defendant applied for leave to appeal to the Michigan Supreme Court.

PROCEDURAL HISTORY

The defendant appealed from the Michigan Court of Appeals order (COA: 339124) which denied relief under MCR 6.508(D). The Michigan Supreme Court denied leave to appeal.

DISPOSITION

writ_denied

OPINION

PER CURIAM.

Order Michigan Supreme Court Lansing, Michigan October 2, 2018 Stephen J. Markman, Chief Justice 156935 Brian K. Zahra Bridget M. McCormack David F. Viviano Richard H. Bernstein Kurtis T. Wilder PEOPLE OF THE STATE OF MICHIGAN, Elizabeth T. Clement, Plaintiff-Appellee, Justices v SC: 156935 COA: 339124 Berrien CC: 2013-015338-FC DEREK LERON BISHOP, Defendant-Appellant. _____/ On order of the Court, the application for leave to appeal the October 27, 2017 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).

I, Larry S. Royster, 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. October 2, 2018 a0924 Clerk