

STATE OF MICHIGAN  
IN THE MICHIGAN SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

-vs-

DIALLO CORLEY,

Defendant-Appellant.

Supreme Court  
No. **155276**

Court of Appeals  
No. **328532**

Lower Court  
No. **14-007466-01-FC**

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**APPELLANT'S REPLY TO ANSWER IN  
OPPOSITION TO APPLICATION FOR LEAVE TO APPEAL**

**AND**

**PROOF OF SERVICE**

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**MICHIGAN COURT RULES**

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**STATEMENT IDENTIFYING ORDER**  
**APPEALED FROM AND RELIEF REQUESTED**

Defendant-Appellant, DIALLO CORLEY, incorporates by reference the Statement Identifying Order Appealed From and Relief Request as set forth in his Application for Leave to Appeal filed on **February 8, 2017**.

**STATEMENT OF MATERIAL  
PROCEEDINGS AND ORDERS BELOW**

Defendant-Appellant, DIALLO CORLEY, incorporates by reference the Statement of Material Proceedings and Orders Below as set forth in his Application for Leave to Appeal filed on **February 8, 2017**.

**STATEMENT OF JURISDICTION**

Defendant-Appellant, DIALLO CORLEY, incorporates by reference the Statement of Jurisdiction as set forth in his Application for Leave to Appeal filed on **February 8, 2017**.

## STATEMENT OF QUESTIONS PRESENTED

Defendant-Appellant, DIALLO CORLEY, incorporates by reference the Statement of Questions Presented as set forth in his Application for Leave to Appeal filed on **February 8, 2017**.

## STATEMENT OF FACTS

Defendant-Appellant, DIALLO CORLEY, incorporates by reference the Statement of Facts as set forth in his Application for Leave to Appeal filed on **February 8, 2017** and supplements as follows.

On December 27, 2016, the Michigan Court of Appeals in a split 2-1 *per curiam* opinion affirmed Defendants Corley's conviction. In the dissent, Jansen, P.J. concluded that the "defendant's convictions and sentences should be reversed and the case remanded for a new trial based on newly discovered evidence."<sup>1</sup>

On February 8, 2017, Defendant Corley filed his timely application in this Court.

On February 14, 2017, the Wayne County Prosecutor's Office filed an Answer. Pursuant to MCR 7.305(E), Defendant Corley files this Reply.

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<sup>1</sup>Judge Jansen concurred with the majority regarding the other claims asserted on appeal.



## ARGUMENT

Defendant-Appellant, DIALLO CORLEY, incorporates by reference the Arguments as set forth in his Application for Leave to Appeal on **February 8, 2017**, and in reply to the Appellee's Answer in Opposition, states as follows:

**I. THE APPLICATION SETS FORTH GROUNDS ESTABLISHING THAT THE MAJORITY OPINION OF THE COURT OF APPEALS IS CLEARLY ERRONEOUS.**

Plaintiff-Appellee, the prosecuting attorney for the County of Wayne has filed a *pro forma* Answer, relying on their Briefs filed in the Court of Appeals. In their Answer, the prosecutor correctly states that the same claims as set forth in the appeal as of right are raised in the Application to this Court. Of course, raising issues not presented to the appellate court below would not be appropriate.

While Defendant Corley set forth the reasons, legally and factually, why the majority opinion of the Court of Appeals and trial court rulings are clearly erroneous, the prosecutor fails to even recognize that there was a compelling dissent in the Court of Appeals on the claim of newly discovered evidence or provide any reason why this Court should not adopt the dissent.

In light of the application and the opposing answer, this Court should grant the requested relief and remand for a new trial.

**RELIEF REQUESTED**

**WHEREFORE**, for the foregoing reasons, Defendant-Appellant requests this Honorable Court reverse the Court of Appeals majority, reverse his convictions and grant a new trial, or minimally grant this application.

Respectfully submitted,

*/s/Craig A. Daly*

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Dated: February 17, 2017