

Court of Appeals, State of Michigan

ORDER

People of MI v Eddie Lee Garrett

Docket No. 343348

LC No. 17-001835-FH

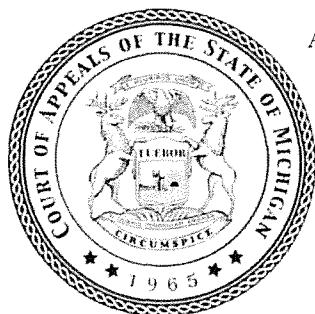
Jonathan Tukel
Presiding Judge

Mark J. Cavanagh

Elizabeth L. Gleicher
Judges

The Court orders that the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

Gleicher, J. would grant the delayed application for leave to appeal. Whether OV 3 was correctly scored is a question that warrants plenary review. The coroner was unable to state within a reasonable degree of medical certainty that the victim's death was caused by heroin delivered by the defendant. Rather, the coroner concluded that several other drugs in combination with the heroin also contributed to the victim's demise. At best, the heroin supplied by defendant was a contributing cause of the defendant's death. Whether that is consistent with the death having "resulted from" the heroin is a question that should be considered by this Court. See also *Burrage v United States*, __-571 US __; 134 S Ct 881 (2014).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAY 21 2018

Date


Chief Clerk