

# Court of Appeals, State of Michigan

## ORDER

People of Michigan v Tiffany Lyn-Dee Dumback

Docket No. 345467

LC No. 17-003168-FH

Stephen L. Borrello  
Presiding Judge

Peter D. O'Connell

Michael J. Kelly  
Judges

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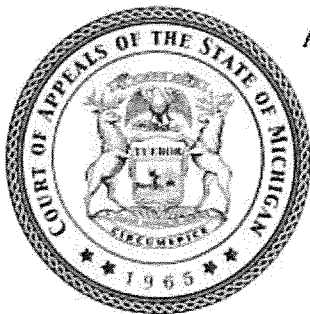
The Court orders that the motion for bond pending appeal is DENIED.

The Court orders that the motion for immediate consideration is GRANTED.

The Court orders that the delayed application for leave to appeal is GRANTED in part. The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(E)(3). This appeal is limited to the following issues:

- (1) Whether the death of a human being is an element of the offense defined in MCL 257.617(3) for purposes of Offense Variable 3 (OV 3), MCL 777.33, and if so
- (2) Whether Model Criminal Jury Instruction 15.14a conflicts with this Court's decision regarding OV 3 scoring in *People v Lacosse*, unpublished opinion per curiam of the Court of Appeals, issued September 16, 2014 (Docket No. 310987), rev'd in part on other grounds 499 Mich 873 (2016).

The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.



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

OCT 26 2018

Date

Chief Clerk