

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

UNPUBLISHED

December 30, 1996

No. 180416

Cass Circuit Court

LC No. 94-36832-FC

ERNEST EUGENE CHORBA,

Defendant-Appellant.

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Before: White, P.J., and Sawyer and R.M. Pajtas, \*\*JJ.

MEMORANDUM.

Defendant was convicted by a jury of operating a vehicle under the influence of alcohol [OUIL] causing death, MCL 257.625(4); MSA 9.2325(4), and was sentenced to seven to fifteen year's imprisonment. He appeals his conviction and sentence. We affirm in part, reverse in part and remand for a new trial.

Defendant's challenge to the trial court's jury instructions is governed by our Supreme Court's recent decision in *People v Lardie* 452 Mich 231; 551 NW2d 656 (1996). Because the instructions given here did not sufficiently address the element of causation, *id.* at 256-260, we reverse and remand for a new trial. In light of this disposition, we do not reach defendant's sentencing issue.

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\* Circuit judge, sitting on the Court of Appeals by assignment.

We reject defendant's double jeopardy argument. The Secretary of State's administrative revocation of defendant's driver's license does not bar this criminal prosecution. See *People v Windsor*, 207 Mich App 221; 523 NW2d 881 (1994).

Affirmed in part, reversed in part and remanded.

/s/ Helene N. White  
/s/ David H. Sawyer  
/s/ Richard M. Pajtas