

Order

Michigan Supreme Court
Lansing, Michigan

October 13, 2017

155501

Stephen J. Markman,
Chief Justice

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen
Kurtis T. Wilder,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 155501
COA: 326105
Allegan CC: 13-018686-FC

BRANDON JAMES HARBISON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 26, 2017 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals judgment concerning the testimony of Dr. N. Debra Simms, and we REMAND this case to that court for reconsideration in light of *People v Peterson*, 450 Mich 349 (1995). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



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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 13, 2017

Clerk