

Court of Appeals, State of Michigan

ORDER

People of MI v Thomas David Richardson

Docket No. 282830

LC No. 07-001782-FC

Stephen L. Borrello
Presiding Judge

William C. Whitbeck

Alton T. Davis
Judges

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

The motion to strike appellee's brief is DENIED.

In lieu of granting the application for leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the December 12, 2007 order of the circuit court is REVERSED. Where the prosecution has asserted that it intends to use the evidence of the victim's minor injuries to support its alternative theories of causation, the trial court abused its discretion in finding that the testimony of Dr. Werner Spitz would not be of assistance to the finder of fact under MRE 702. Defendant is entitled to offer testimony supporting his theory that the cause of death was accidental.

This order is given immediate effect pursuant to MCR 7.215(F)(2). We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB - 1 2008

Date

Sandra Schultz Mengel
Chief Clerk