

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Eric Michael Cagle

Docket No. 286518

LC No. 2007-005165-FH

Kathleen Jansen  
Presiding Judge

Mark J. Cavanagh

Elizabeth L. Gleicher  
Judges

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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 defendant's delayed application for leave to appeal based on the sentencing court's failure to articulate objective and verifiable reasons for the upward departure, contrary to *People v Babcock*, 469 Mich 247, 255-256; 666 NW2d 231 (2003). The sentencing court additionally failed to address the proportionality of the sentence departure, contrary to *People v Smith*, \_\_\_ Mich \_\_\_; \_\_\_ NW2d \_\_\_ (Docket No. 134682, decided July 31, 2008).



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

AUG 14 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk