

# Order

Michigan Supreme Court  
Lansing, Michigan

October 26, 2009

Marilyn Kelly,  
Chief Justice

137473

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 137473  
COA: 278268  
Macomb CC: 2006-004308-FC

DONALD GAVIN,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the September 11, 2008 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, C.J., would grant leave to appeal for the reasons set forth in her opinion in *People v Idziak*, 484 Mich 549 (2009).



d1019

I, Corbin R. Davis, 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 26, 2009

*Corbin R. Davis*

Clerk