

Order

Michigan Supreme Court
Lansing, Michigan

May 21, 2014

Robert P. Young, Jr.,
Chief Justice

148111

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 148111
COA: 311147
Livingston CC: 12-020453-AR

BRANDON JOHN MITCHELL,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the October 2, 2013 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration, as on leave granted, of the issue whether the Livingston Circuit Court erred in concluding that the district court's exclusion of the defense expert testimony was not harmless beyond a reasonable doubt with respect to the defendant's conviction for operating a motor vehicle while visibly impaired, MCL 257.625(3). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

We do not retain jurisdiction.



s0514

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.

May 21, 2014


Clerk