

Document: People v. Gaddis, 2019 Mich. LEXIS 1473

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**People v. Gaddis, 2019 Mich. LEXIS 1473**

**Copy Citation**

Supreme Court of Michigan

July 29, 2019, Decided

SC: 159152

**Reporter**

**2019 Mich. LEXIS 1473 \*** | 931 N.W.2d 347 | 2019 WL 3428765

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee, v KEVIN DION GADDIS, Defendant-Appellant.

**Prior History:** [\*1] COA: 346796. Kent CC: 17-008499-FH, 17-008725-FH, 17-008726-FH.

**Core Terms**

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order of the court

**Judges:** Bridget M. McCormack ▼, Chief Justice, David F. Viviano ▼, Chief Justice Pro Tem. Stephen J. Markman ▼, Brian K. Zahra ▼, Richard H. Bernstein ▼, Elizabeth T. Clement ▼, Megan K. Cavanagh ▼, Justices.

**Opinion**

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**Order**

On order of the Court, the application for leave to appeal the January 25, 2019 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

**Content Type:** Cases

**Terms:** 2019 Mich Lexis 1473

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Kevin Dion Gaddis

Docket No. 346796

LC No. 17-008499-FH ; 17-008725-FH ; 17-008726-FH

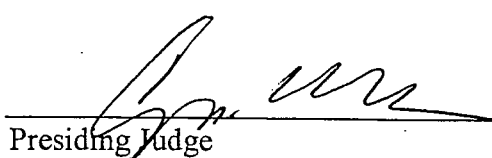
Cynthia Diane Stephens  
Presiding Judge

Christopher M. Murray

Anica Letica  
Judges

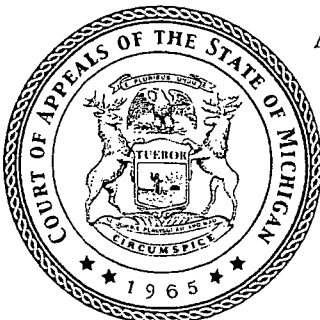
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The Court orders that the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

  
Presiding Judge

Stephens, P.J., would grant the delayed application for leave to appeal.

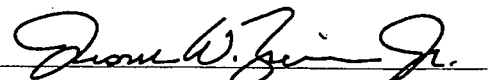
2019 JAN 26 AM 11:25  
CLERK OF COURT



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JAN 25 2019

Date

  
Chief Clerk

**STATE OF MICHIGAN**  
**17TH JUDICIAL CIRCUIT**  
**KENT COUNTY**

**JUDGMENT OF SENTENCE**  
**COMMITMENT TO**  
**DEPARTMENT OF CORRECTIONS**  
**\*AMENDED - ATTY FEE REMOVED\***

**CASE NO.**  
**17-08499-FH**

ORI

MI - 410025J

Kent County Courthouse 180 Ottawa NW, Grand Rapids, MI 49503

Court address:

Court telephone number

616-632-5480

Police Report No.

THE PEOPLE OF THE STATE OF MICHIGAN

v

Defendant name, address, and telephone no.

KEVIN DION GADDIS

CTN/TCN

41 17 010299 99

SID

2076065M

DOB

09/24/1982

Defendant's attorney name

Bar no.

LOUISE JOHNSON

Prosecuting attorney's name

Bar no.

Christopher R. Becker

P53752

1. The defendant was found guilty on 05/07/2018 of the crime(s) stated below.

Date

Count	CONVICTED BY Plea* Court Jury	DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC Code
1	G		CONT SUB-DEL/MANF (COCAINE/HEROIN/OR ANOTHER NARCOTIC) LESS THAN 50 GRAMS; HABITUAL OFFENDER - THIRD OFFENSE NOTICE	333.74012A4; 769.11
2	G		CONT SUB-2ND OR SUB OFF NOTICE-DOUBLE PENALTY-FELONY	333.74132-A

\*For Plea: insert "G" for guilty plea; "NC" for nolo contendere; or "MI" for guilty but mentally ill. \*For dismissal: insert "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff

- ☐ 2. The conviction is reportable to the Secretary of State under MCL 257.625(21)(b). G320465143739
- ☐ 3. HIV testing and sex offender registration is completed. Defendant's driver's license number RECEIVED
- ☒ 4. The defendant has been fingerprinted according to MCL 28.243.
- ☐ 5. A DNA sample is already on file with the Michigan State Police from a previous case. No assessment is required.

## IT IS ORDERED:

- ☐ 6. Probation is revoked
7. Participating in a special alternative incarceration unit is ☐ prohibited. ☐ permitted.
8. Defendant is sentenced to custody of the Michigan Department of Corrections. This sentence shall be executed immediately. JOHNSTON

Count	SENTENCE DATE	MINIMUM Years Mos. Days	MAXIMUM Years Mos.	DATE SENTENCE BEGINS	JAIL CREDIT Mos. Days	OTHER INFORMATION
1	06/12/2018	4	40	06/12/2018	285	

- ☐ 9. Sentence(s) to be served consecutively to (if this item is not checked, the sentence is concurrent.)  
☐ each other. ☐ case numbers

10. Defendant shall pay:

State Minimum	Crime Victim	Restitution	DNA Assess.	Court Costs	Attorney Fees	Fine	Other Costs	Total
\$68.00	\$130.00	\$	\$	\$400.00	\$	\$	\$	\$

The due date for payment is Date of Sentence. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed.

- ☐ 11. The defendant is subject to lifetime monitoring pursuant to MCL 750.520n.
- ☐ 12. Court recommendation:

07/27/2018

Date

Judge HONORABLE DONALD JOHNSTON Bar. no. P15554

I certify that this is a correct and complete abstract from the original court records. The sheriff shall, without needless delay, deliver defendant to the Michigan Department of Corrections at a place designated by the department.

(SEAL)

Deputy court clerk

STATE OF MICHIGAN  
17TH JUDICIAL CIRCUIT  
KENT COUNTY

JUDGMENT OF SENTENCE  
COMMITMENT TO  
DEPARTMENT OF CORRECTIONS  
\*AMENDED - ATTY FEE REMOVED\*

CASE NO.  
17-08725-FH

ORI

MI - 410025J

Police Report No.

Court address:

Kent County Courthouse 180 Ottawa NW, Grand Rapids, MI 49503

Court telephone number

616-632-5480

THE PEOPLE OF THE STATE OF MICHIGAN

Prosecuting attorney's name  
Christopher R. Becker

Bar no.  
P53752

Defendant name, address, and telephone no.

KEVIN DION GADDIS

CTN/TCN

41 17 010308 99

SID

2076065M

DOB

09/24/1982

Defendant's attorney name

LOUISE JOHNSON

Bar no.

1. The defendant was found guilty on 05/07/2018 of the crime(s) stated below.

Date

Count	CONVICTED BY Plea* Court Jury	DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC Code
1	G		POLICE OFFICER- ASSAULTING/RESISTING/OBSTRUCTING CAUSING INJURY; HABITUAL OFFENDER - THIRD OFFENSE NOTICE	750.81D2; 769.11
2	G		POLICE OFFICER - FLEEING - FOURTH DEGREE - VEHICLE CODE; HABITUAL OFFENDER - THIRD OFFENSE NOTICE	257.602A2; 769.11

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- ☐ 2. The conviction is reportable to the Secretary of State under MCL 257.625(21)(b). G320465143739
- ☐ 3. HIV testing and sex offender registration is completed.
- ☒ 4. The defendant has been fingerprinted according to MCL 28.243.
- ☐ 5. A DNA sample is already on file with the Michigan State Police from a previous case. No assessment is required.

## IT IS ORDERED:

- ☐ 6. Probation is revoked
7. Participating in a special alternative incarceration unit is ☐ prohibited. ☐ permitted.
8. Defendant is sentenced to custody of the Michigan Department of Corrections. This sentence shall be executed immediately. **JUDGE JOHNSTON**

Count	SENTENCE DATE	MINIMUM Years Mos. Days	MAXIMUM Years Mos.	DATE SENTENCE BEGINS	JAIL CREDIT Mos. Days	OTHER INFORMATION
1	06/12/2018	2	8	06/12/2018	285	
2	06/12/2018	1 6	4	06/12/2018	285	

- ☐ 9. Sentence(s) to be served consecutively to (if this item is not checked, the sentence is concurrent.)

☒ each other. ☐ case numbers \_\_\_\_\_

10. Defendant shall pay:


State Minimum	Crime Victim	Restitution	DNA Assess.	Court Costs	Attorney Fees	Fine	Other Costs	Total
\$136.00	\$130.00	\$	\$	\$400.00	\$	\$	\$	\$

The due date for payment is Date of Sentence. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed.

- ☐ 11. The defendant is subject to lifetime monitoring pursuant to MCL 750.520n.
- ☐ 12. Court recommendation:

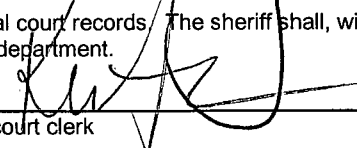
07/27/2018

Date

  
Judge HONORABLE DONALD JOHNSTON Bar. no. P15554

I certify that this is a correct and complete abstract from the original court records. The sheriff shall, without needless delay, deliver defendant to the Michigan Department of Corrections at a place designated by the department.

(SEAL)

  
Deputy court clerk

**STATE OF MICHIGAN**  
**17TH JUDICIAL CIRCUIT**  
**KENT COUNTY**

**JUDGMENT OF SENTENCE**  
**COMMITMENT TO**  
**DEPARTMENT OF CORRECTIONS**  
**\*AMENDED - ATTY FEE REMOVED &**  
**SENTENCE AMENDED\***

**CASE NO.**  
**17-08726-FH**

ORI

MI - 410025J

Kent County Courthouse 180 Ottawa NW, Grand Rapids, MI 49503

Court address:

Court telephone number

616-632-5480

Police Report No.

THE PEOPLE OF THE STATE OF MICHIGAN

v

Defendant name, address, and telephone no.

KEVIN DION GADDIS

CTN/TCN

41 17 010298 99

SID

2076065M

DOB

09/24/1982

Defendant's attorney name

LOUISE JOHNSON

Bar no.

Prosecuting attorney's name

Bar no.

Christopher R. Becker

P53752

1. The defendant was found guilty on 05/07/2018 of the crime(s) stated below.

Date

Count	CONVICTED BY Plea* Court Jury	DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC Code
1		NP	CONT SUB - DEL/MANF (COCAINE/HEROIN/OR ANOTHER NARCOTIC) 450 TO 999 GRAMS	333.74012A2
2		NP	CONT SUB-POSS (COCAINE/HEROIN/OR ANOTHER NARCOTIC) 450-999 GRAMS	333.74032A2
3	G		WEAPONS - FIREARMS - POSSESSION BY FELON; HABITUAL OFFENDER - THIRD OFFENSE NOTICE	750.224F; 769.11
4	G		WEAPONS FELONY FIREARM	750.227B-A
5	G		CONT SUB-2ND OR SUB OFF NOTICE-DOUBLE PENALTY-FELONY	333.74132-A
6	G		CONT SUB-DEL/MANF (COC, HEROIN, OR ANOTHER NARCOTIC) 50-449 GRAMS; HABITUAL OFFENDER - THIRD OFFENSE NOTICE	333.74012A3; 769.11

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- ☐ 2. The conviction is reportable to the Secretary of State under MCL 257.625(21)(b). G320465143739
- ☐ 3. HIV testing and sex offender registration is completed. Defendant's driver's license number
- ☒ 4. The defendant has been fingerprinted according to MCL 28.243.
- ☐ 5. A DNA sample is already on file with the Michigan State Police from a previous case. No assessment is required.

## IT IS ORDERED:

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7. Participating in a special alternative incarceration unit is ☐ prohibited. ☐ permitted.
8. Defendant is sentenced to custody of the Michigan Department of Corrections. This sentence shall be executed immediately.

Count	SENTENCE DATE	MINIMUM Years Mos. Days	MAXIMUM Years Mos.	DATE SENTENCE BEGINS	JAIL CREDIT Mos. Days	OTHER INFORMATION
3	06/12/2018	2	10	06/12/2018		
4	06/12/2018	2	2	06/12/2018	285	
6	06/12/2018	11	40	06/12/2018		

- ☒ 9. Sentence(s) to be served consecutively to (if this item is not checked, the sentence is concurrent.)  
☐ each other. ☐ case numbers CT 3 & 6 CONCURRENT TO EACH OTHER AND CONSECUTIVE TO CT 4

10. Defendant shall pay:

State Minimum	Crime Victim	Restitution	DNA Assess.	Court Costs	Attorney Fees	Fine	Other Costs	Total
\$204.00	\$130.00	\$	\$	\$400.00	\$	\$	\$	\$

The due date for payment is Date of Sentence. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed.

- ☐ 11. The defendant is subject to lifetime monitoring pursuant to MCL 750.520n.
- ☐ 12. Court recommendation:

07/27/2018

Date

Judge HONORABLE DONALD JOHNSTON Bar. no. P15554

I certify that this is a correct and complete abstract from the original court records. The sheriff shall, without needless delay, deliver defendant to the Michigan Department of Corrections at a place designated by the department.

(SEAL)

Deputy court clerk

JRL2768 P00145

MCL 765.15(2); MCL 769.1k; MCL 769.16a; MCL 775.22, MCL 780.766