

Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V DONALD LEE HUDSON

Docket No. 300821

LC No. 2009-225712-FH

Kathleen Jansen
Presiding Judge

Pat M. Donofrio

Deborah A. Servitto
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the Oakland Circuit Court's August 6, 2010 opinion and order granting defendant's motion to quash bindover on a charge of possession of a firearm during the commission of a felony is REVERSED and the matter REMANDED to the circuit court for trial on that charge. The testimony at the preliminary examination indicated that the firearms in question belonged to defendant, were loaded with cartridges, and were found in locations where they were readily accessible to defendant. Defendant's actual possession of the firearms while manufacturing marijuana can be inferred from the locations where the firearms were found and the fact that they were loaded. *People v Burgenmeyer*, 461 Mich 431; 606 NW2d 645 (2000); *People v Taylor*, 275 Mich App 177; 737 NW2d 790 (2007). The evidence showed probable cause to believe that defendant possessed a firearm during the commission of a felony. The magistrate did not err by binding defendant over on that charge. MCR 6.110(E).

This Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JUL 13 2011

Date


Chief Clerk