

# Court of Appeals, State of Michigan

## ORDER

People of MI v Parrisa Brown

Docket No. 320352

LC No. 13-007743-AR

Cynthia Diane Stephens  
Presiding Judge

Christopher M. Murray

Michael J. Riordan  
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(E)(2), that the January 31, 2014, order of the Wayne Circuit Court denying the People's motion to reinstate the charge of reckless driving causing death hereby is REVERSED. Circumstantial evidence, coupled with the reasonable inferences derived therein, may support a bindover. *People v Grayer*, 235 Mich App 737, 744 n 3; 599 NW2d 527 (1999). The prosecution is not required at that point to prove the elements of the crime beyond a reasonable doubt. *Id.* Testimony at the preliminary examination established that defendant drove her car late at night after a 17-hour day of travel. A witness saw the car traveling at a high rate of speed, estimated at more than double the speed limit. Defendant's car hit the victim, a pedestrian, and continued to travel over 200 feet before hitting a curb and crashing into a building. Defendant told a police officer at the scene and hospital personnel that she had fallen asleep at the wheel. The evidence was sufficient to create logical inferences to show probable cause for a reasonable person to believe that the felony of reckless driving was committed and that defendant committed that felony. Later, defendant produced evidence that she regularly suffered seizures and the Officer in Charge testified that he believed she had suffered a seizure. That evidence could support defendant's theory that she could not be criminally liable for the accident. Where, as here, the record contains conflicting evidence to support and negate the elements of a crime, a jury must decide the resulting questions of fact. *People v Goecke*, 457 Mich 442, 469-470; 579 NW2d 868 (1998). Accordingly, the district court erred in declining to bind over defendant. The case is REMANDED for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



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

APR 22 2014

Date

  
Chief Clerk