

Court of Appeals, State of Michigan

ORDER

People of MI v Parrisa Brown

Docket No. 324280

LC No. 12-011980-FH

Michael J. Talbot
Presiding Judge

Kurtis T. Wilder

Kirsten Frank Kelly
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting the application for leave to appeal, the Court orders, pursuant to MCR 7.205(E)(2), that the September 26, 2014, order of the Wayne Circuit Court denying the People's motion to introduce other act evidence is REVERSED. To show that defendant was guilty of the charge of reckless driving causing death, the prosecutor must prove that she acted in willful or wanton disregard for the safety of persons or property of another. MCL 257.626(4). Defendant's theory is that she cannot be held liable for the accident and, to support that theory at the preliminary examination, she admitted evidence that she suffers from seizures. Although the prosecution initially objected to the admission of the seizure evidence, it has since adopted the theory that defendant acted recklessly by driving because she knew she was prone to seizures. The proposed other acts evidence is relevant to the issue of defendant's intent and the absence of mistake or accident. MRE 404(b), *People v VanderVliet*, 444 Mich 52, 64; 508 NW2d 114 (1993). Accordingly, the circuit court erred in excluding the evidence.

The case is REMANDED for further proceedings consistent with this order.

The motion for stay is DENIED.

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

OCT 27 2014

Date


Chief Clerk