

Court of Appeals, State of Michigan

ORDER

People of MI v Geneke Antonio Lyons

Docket No. 332501

LC No. 16-000190-FH

Cynthia Diane Stephens
Presiding Judge

Michael J. Talbot

Michael J. Riordan
Judges

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

The application for leave to appeal is DENIED. While defendant is correct that the circuit court did not apply the correct *mens rea* with respect to each of the charged offenses, see *People v Goecke*, 457 Mich 442, 464; 579 NW2d 868 (1998) (malice for second-degree murder includes “the intent to do an act in wanton and willful disregard of the likelihood that the natural tendency of such behavior is to cause death or great bodily harm”); *People v Trotter*, 209 Mich App 244, 249; 530 NW2d 516 (1995) (involuntary manslaughter under both the common law and MCL 287.323(1) requires a showing of gross negligence), defendant has not shown that the district court abused its discretion in ordering the bindover, see *People v Grayer*, 235 Mich App 737, 739; 599 NW2d 527 (1999) (“a circuit court’s decision to grant a motion to quash a felony information is reviewed de novo to determine if the district court abused its discretion in ordering a bindover.”). Likewise, defendant’s double jeopardy challenge is premature. See *People v Gibbs*, 120 Mich App 485, 494-495; 328 NW2d 65 (1982). The motion for stay is DENIED AS MOOT.



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

MAY 17 2016

Date


Chief Clerk