

Court of Appeals, State of Michigan

ORDER

People of MI v Eric Gerard Elder

Docket No. 338585

LC No. 17-000987-01-FC

Karen M. Fort Hood
Presiding Judge

Christopher M. Murray

Michael J. Riordan
Judges

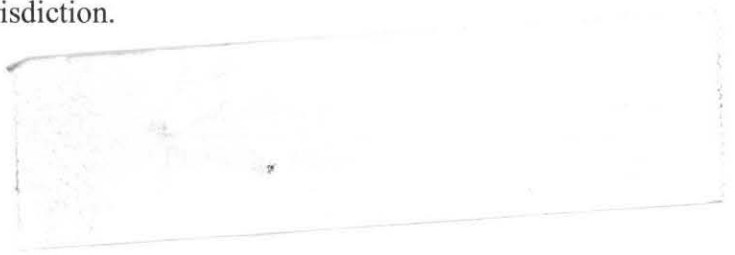
The Court orders that the motion for immediate consideration is GRANTED.

The circuit court's May 30, 2017 order is REVERSED. The circuit court erred in concluding that the district court abused its discretion in binding defendant over on first degree murder. *People v Jenkins*, 244 Mich App 1, 14; 624 NW2d 457 (2000). Premeditation and deliberation may be inferred from all the facts and circumstances, including the relationship between the parties, the circumstances of the killing itself, and the defendant's conduct before and after the killing. *People v Furman*, 158 Mich App 302, 308; 404 NW2d 246 (1987). Premeditation can also be inferred from the type of weapon used and the location of the wounds. *People v Berry (On Remand)*, 198 Mich App 123, 128; 497 NW2d 202 (1993). Here, the evidence revealed that defendant approached the vehicle occupied by the victim from behind, and once in position to fire at the victim, shot at least eight rounds into the vehicle, killing the victim. Though not a perfect case, inferences from the use of a gun, and defendant's approaching the vehicle from behind until in position to shoot, is enough to satisfy the prosecution's proofs.

The motion for stay pending appeal is DENIED as MOOT.

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



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

MAY 31 2017

Date


Chief Clerk