

Court of Appeals, State of Michigan

ORDER

People of MI v Arnold Leo Denne

Docket No. 347113

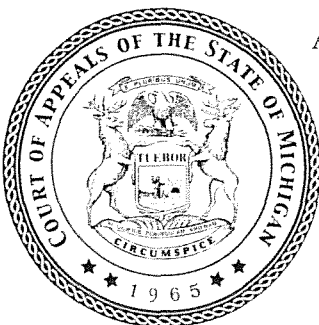
LC No. 2018-003985-FH

David H. Sawyer
Presiding Judge

Jane M. Beckering

Douglas B. Shapiro
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the decision of the Berrien Circuit Court denying defendant's motion to quash the bindover, VACATES the December 17, 2018 order effectuating that decision and REMANDS this matter to the circuit court for entry of an order granting the motion to quash. "The corpus delicti rule requires that a preponderance of direct or circumstantial evidence, independent of a defendant's inculpatory statements, establish the occurrence of a specific injury and criminal agency as a source of the injury before such statements may be admitted as evidence." *People v Burns*, 250 Mich App 436, 438 (2002). The prosecutor presented only inadmissible hearsay evidence to link the individual subject to the felony arrest warrant to defendant. *People v Parker*, 319 Mich App 664, 670 (2017). Furthermore, the prosecutor presented no independent evidence that anyone gave refuge or hid that individual. For these reasons, the prosecutor failed to establish the corpus delicti of the charged offense, and the district court abused its discretion in admitting defendant's confession. MCL 750.199(3); *Burns*, 250 Mich App at 438; *People v Crousore*, 159 Mich App 304, 312 (1987). It is defendant's inculpatory statements, and not the independent evidence offered by the prosecutor, that established both the corpus delicti of the offense, and the probable cause necessary to bind over defendant for trial in the circuit court, *People v Yost*, 468 Mich 122, 125-126 (2003); *People v Henderson*, 282 Mich App 307, 312-313 (2009). Under these circumstances, the district court abused its discretion when it found sufficient evidence to bind over defendant as charged, and the circuit court erred when it upheld the bindover decision. This order has immediate effect. MCR 7.215(F)(2). This Court does not retain jurisdiction.



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

APR - 3 2019

Date


Chief Clerk