

STATE OF MICHIGAN  
COURT OF APPEALS

---

GLENN ALLEN BEECHAM,

Plaintiff-Appellant,

v

CITY OF DETROIT and DARINE JEFFERSON,

Defendants-Appellees.

---

UNPUBLISHED

March 24, 1998

No. 196317

Wayne Circuit Court

LC No. 95-525936 NI

Before: Holbrook, Jr., P.J., and Michael J. Kelly and Gribbs, JJ.

MEMORANDUM.

While fleeing police on foot, attempting to avoid apprehension for an attempted breaking and entering committed by plaintiff and another person, plaintiff was struck and injured by an automobile owned by the City of Detroit and operated by defendant police officer Jefferson, who as it happened was not involved in the police pursuit of the suspects. Plaintiff brought this tort action, seeking damages for his injuries. However, the circuit court granted summary disposition in favor of defendants on the basis of the wrongful-conduct rule. *Orzel v Scott Drug Co*, 449 Mich 550, 558; 537 NW2d 208 (1995). Plaintiff's appeal by right is being decided without oral argument pursuant to MCR 7.214(E).

If this were a suit based on contract, such as an insurance policy, a different result might properly obtain. See *Davis v DAIIE*, 356 Mich 454; 96 NW2d 760 (1959). For tort purposes, however, the wrongful-conduct rule bars liability if plaintiff's criminal conduct was a proximate cause of his injuries. *Orzel, supra* at 564-565. Here, although plaintiff's criminal offense was technically completed when he and his friend ran from the building that they had attempted to break and enter, see *People v Wise*, 134 Mich App 82, 93; 351 NW2d 255 (1984), his act of fleeing from the pursuing police officers was integrally related to his criminal conduct and most certainly a contributing cause of his injuries. Indeed, plaintiff's quick escape from the crime scene hampered his ability to exercise due care for the safety of himself and others. Furthermore, the important public policies underlying the wrongful-conduct rule compel the conclusion in this case that plaintiff not be entitled to recover from defendants for his injuries. See *Orzel, supra* at 559-560. Accordingly, we hold that the wrongful-conduct rule was properly invoked to bar this action.

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Michael J. Kelly

/s/ Roman S. Gibbs