

Court of Appeals, State of Michigan

ORDER

People of MI v Kenneth Anthony Taylor

Docket No. 315804

LC No. 13-001078-FH

Michael J. Riordan
Presiding Judge

Kirsten Frank Kelly

Karen M. Fort Hood
Judges

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

The motion to waive the requirements of MCR 7.209 is DENIED AS MOOT, the transcript and order having been filed.

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the March 29, 2013 order of the Wayne Circuit Court denying the motion to amend the information hereby is REVERSED. The evidence at the preliminary examination supported the addition of a charge of second-degree murder. The record before this Court reflects that the prosecution presented evidence that defendant had the intent to act "in obvious disregard of life-endangering consequences." *People v Goecke*, 457 Mich 442, 466; 579 NW2d 868 (1998). Defendant chose to drive at 70 mph directly into the Trailblazer. The evidence does not reflect that he attempted to swerve after the impact. His Mustang continued alongside the Trailblazer, pinning it against the median wall, for several hundred feet, until it rolled over. Expert testimony was presented that defendant's failure to let up was intentional. Further, the defendant was driving on a suspended license and removed the license plate of the Mustang after the impact. These facts support that a reasonable fact finder could make a finding that defendant had a willful disregard of the likelihood that the natural tendency of his behavior would cause death or great bodily harm. See *id.* The case is remanded to the circuit court 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 Larry S. Royster, Chief Clerk, on

MAY 09 2013

Date


Chief Clerk