

Order

Michigan Supreme Court
Lansing, Michigan

June 24, 2022

Bridget M. McCormack,
Chief Justice

164114-5

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 164114-5
COA: 354997, 354998
Wayne CC: 19-004361-FC
19-009159-FC

VINCEL McQUIEL LEWIS,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the January 6, 2022 judgment of the Court of Appeals is considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and the September 16, 2020 orders of the Wayne Circuit Court granting the defendant's motion to quash.

As noted by dissenting Court of Appeals Judge SERVITTO, the probable-cause standard at the preliminary examination "is not a very demanding threshold." *People v Harlan*, 258 Mich App 137, 145 (2003). "Probable cause requires a quantum of evidence sufficient to cause a person of ordinary prudence and caution to conscientiously entertain a reasonable belief of the accused's guilt." *People v Yost*, 468 Mich 122, 126 (2003) (quotation marks and citation omitted). "[A] magistrate is required to determine at the conclusion of the preliminary examination whether there is probable cause that the defendant has committed a crime." *People v Anderson*, 501 Mich 175, 183 (2018) (quotation marks omitted). This Court explained in *Anderson, id.* at 184, that one of the relevant definitions of "determine" is "to settle or decide by choice of alternatives or possibilities." (Quotation marks and citation omitted.) Furthermore, "where there is a conflict of evidence or where there is a reasonable doubt as to a defendant's guilt, there generally will be probable cause to bind over a defendant, even if the magistrate may have had reasonable doubt that defendant committed the crime." *Id.* at 186 (quotation marks, citations, and brackets omitted).

Sufficient evidence was presented at the preliminary examination to establish probable cause to believe that the defendant's actions were the cause of the deaths for which the defendant has been charged. The evidence presented demonstrated that the

defendant was drunk and angry with his estranged wife on the night in question, that he chased her vehicle at a high rate of speed until it crashed, that the vehicle the defendant was driving suffered front-end damage, and that the crash-data-retrieval report from that same vehicle also showed evidence of a nondeployment event while moving at a high rate of speed that day. Although this evidence may not be sufficient to prove guilt beyond a reasonable doubt, it is sufficient to provide probable cause for purposes of bindover. Therefore, the 36th District Court did not abuse its discretion by binding the defendant over for trial, and the circuit court erred by granting the defendant's motion to quash. Accordingly, we REMAND this case to the Wayne Circuit Court for further proceedings not inconsistent with this order.

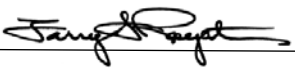
ZAHRA, J., did not participate due to a familial relationship with counsel of record.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 24, 2022


Clerk