

Court of Appeals, State of Michigan

ORDER

People of MI v Devante Young

Kirsten Frank Kelly
Presiding Judge

Docket No. 358776

Christopher M. Murray

LC No. 21-002960-01-FH

Anica Letica
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application, the trial court's August 13, 2021 order is REVERSED IN PART, and the matter REMANDED for further proceedings consistent with this order. “[A] magistrate's duty at a preliminary examination is to consider all the evidence presented, including the credibility of witnesses' testimony, and to determine on that basis whether there is probable cause to believe that the defendant committed a crime, i.e., whether the evidence presented is sufficient to cause a person of ordinary prudence and caution to conscientiously entertain a reasonable belief of the accused's guilt.” *People v Anderson*, 501 Mich 175, 178; 912 NW2d 503 (2018) (quotation marks and citation omitted). Evidence must be presented of each element of the crime charged, or at least evidence from which the elements may be inferred. *Id.* at 181-182. A reviewing court should not disturb the district court's decision absent an abuse of discretion by the district court. *Id.* at 182. While circumstantial, the evidence presented at the preliminary examination was sufficient to establish probable cause to believe that defendant knowingly carried the pistol found under his seat. The district court did not abuse its discretion by binding defendant over on a charge of CCW related to that weapon, and the circuit court erred by quashing Count I of the information.

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



Presiding Judge



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

November 29, 2021

Date



Chief Clerk