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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED August 18, 2026 11:46 AM
v	No. 378723 Macomb Circuit Court
SHAUN LANCE, Defendant-Appellant.	LC No. 2025-002320-FH

Before: CAMERON, P.J., and MALDONADO and WALLACE, JJ.

PER CURIAM.

Defendant appeals by leave granted[1] the circuit court's order denying his motion to quash his bindover for one count of possession of a controlled substance, MCL 333.7403(2)(a)(*v*) (possession of a schedule one or two narcotic in an amount less than 25 grams) and one count of possession of a controlled substance, MCL 333.7403(2)(b)(*ii*) (possession of a controlled substance analogue). We reverse.

I. FACTUAL AND PROCEDURAL BACKGROUND

This case arises out of a traffic stop. Defendant was riding in the backseat of a rideshare vehicle that was pulled over by Warren Police Officer Nathaniel Grys. During the traffic stop, Officer Grys learned that defendant had an outstanding narcotics warrant and placed him under arrest. A search of the vehicle uncovered two pill bottles in the seatback pocket directly in front of defendant's seat. One pill bottle was a labeled prescription belonging to defendant. The second pill bottle was unlabeled and contained two clear plastic bags holding green and white pills. To identify the pills, Officer Grys entered the identifying letters and numbers imprinted on them into the website Drugs.com. Based on that search, he identified the green pills as alprazolam, a

[1] *People v Lance*, unpublished order of the Court of Appeals, entered April 10, 2026 (Docket No. 378723).

schedule four controlled substance, and the white pills as hydrocodone, a schedule two controlled substance.

Defendant was charged with one count of possession of a controlled substance related to the hydrocodone. During the preliminary examination, the prosecution questioned Officer Grys about his identification of the pills through Drugs.com. Defense counsel objected, arguing that the identification was inadmissible hearsay. The district court overruled the objection and permitted the testimony. At the conclusion of the preliminary examination, the prosecution moved to amend the complaint to account for the hydrocodone being a schedule two controlled substance and to add a second charge based on the alprazolam. The district court granted the motion and bound defendant over on both charges. In the circuit court, defendant moved to quash the bindover, but the circuit court denied defendant's motion. This appeal followed.

II. STANDARDS OF REVIEW

"A circuit court's decision to grant or deny a motion to quash charges is reviewed de novo to determine if the district court abused its discretion in binding over a defendant for trial." *People v Francis*, 347 Mich App 560, 563; 16 NW3d 323 (2023) (quotation marks and citation omitted). "A trial court abuses its discretion when its decision falls outside the range of reasonable and principled outcomes." *People v Murawski*, 349 Mich App 296, 302; 27 NW3d 673 (2023) (quotation marks and citation omitted). "[A] trial court necessarily abuses its discretion when it makes an error of law." *People v Hofman*, 339 Mich App 65, 69; 981 NW2d 112 (2021) (quotation marks and citation omitted). "This Court also reviews de novo the trial court's interpretation of the law related to the motion to quash." *Murawski*, 349 Mich App at 303.

III. ANALYSIS

Defendant argues that the district court abused its discretion by binding him over for trial because the evidence identifying the pills as controlled substances was inadmissible hearsay. He further contends that, because the bindover was unsupported by admissible evidence, the circuit court erred by denying his motion to quash. We agree.

"At a preliminary examination, the prosecution must present evidence establishing that the defendant committed the charged offense, and the district court must find that probable cause exists to bind over a defendant for trial." *Id*. (quotation marks and citation omitted). To meet this burden, "the prosecution must present evidence of each and every element of the charged offense, or enough evidence from which an element may be inferred." *Id*. at 304 (quotation marks and citation omitted). "The rules of evidence apply at the preliminary examination[,]" subject to limited exceptions, MCL 766.11b(1), and "[t]he proponent of evidence bears the burden of establishing relevance and admissibility[,]" *People v Lemons*, 514 Mich 485, 504; 22 NW3d 42 (2024) (quotation marks and citation omitted).

Hearsay is a statement that "(1) the declarant does not make while testifying at the current trial or hearing; and (2) a party offers in evidence to prove the truth of the matter asserted in the statement." MRE 801(c). "MRE 802 prohibits a district court from admitting hearsay evidence absent an exception found in the rules of evidence[.]" *People v Parker*, 319 Mich App 664, 670;

903 NW2d 405 (2017).[2] Relevant to this appeal, under MRE 803(17), "[m]arket quotations, lists, directories, or other compilations that are generally relied on by the public or by persons in particular occupations[,]" are exceptions to the rule against hearsay.

In response to defendant's motion to quash, the prosecution argued that Officer Grys's testimony regarding his identification of the pills through Drugs.com was admissible under MRE 803(17). The entirety of the prosecution's argument in the circuit court consisted of the following:

> [MRE 803(17)] is directly on point with the issue at question here. Drugs.com is relied upon by the public, law enforcement, and even pharmacists to assist in identifying pills and medications. The reliance of Drugs.com by the officer in his investigation to identify the pills and subsequent testimony falls under the exception as lined out above for the purpose of the exam and the probable cause standard.

This unsupported argument was insufficient to satisfy the prosecution's evidentiary burden. As the proponent of the evidence, the prosecution had the burden to establish that Drugs.com is a market quotation, list, directory, or compilation, that is "generally relied on by the public or by persons in particular occupations." MRE 803(17); *Lemons*, 514 Mich at 504. But the prosecution offered its opinion, not evidence, to support those foundational requirements. Nor did the prosecution cite any authority recognizing that Drugs.com is a source that falls under the scope of MRE 803(17).[3] The prosecution's broad, unsupported assertion that the website is generally relied

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[2] The prosecution argues on appeal that Officer Grys's Drugs.com identification was admissible under MCL 766.11b(a), because his "testimony was similar to a field test[.]" This subsection, however, permits the admission of "[a] report of the results of properly performed drug analysis field testing to establish that the substance tested is a controlled substance." Nothing in MCL 766.11b indicates that a police officer's testimony regarding statements made on a website is equivalent to a properly performed drug field test and resultant report. We decline to read such language into the statute. See *People v Anderson*, 501 Mich 175, 182-183; 912 NW2d 503 (2018) ("When the language of a statute is clear, it is presumed that the Legislature intended the meaning expressed therein.") (quotation marks and citation omitted).

The prosecution also "question[s] whether Drugs.com qualifies as hearsay," and asserts that, even if Officer Grys's Drugs.com search is considered hearsay, it is admissible under the residual hearsay exception, MRE 807. That argument fails because MRE 807 requires that the hearsay statement "is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts[.]" MRE 807(a)(3). Here, the prosecution could have obtained substantially more probative and reliable evidence through an actual drug analysis which, as discussed, would have been admissible under MCL 766.11b(1)(a). Consequently, the residual hearsay exception does not apply.

[3] On appeal, the prosecution attempts to bolster its argument by introducing evidence that Drugs.com is "relied upon by universities and the FDA." But nothing in the record indicates that these exhibits were provided to the district or circuit courts, and the prosecution did not move this

upon by the public, law enforcement, and pharmacists did not establish the applicability of the hearsay exception.

Both the district and circuit courts overlooked this failure of proof. The transcripts from the preliminary examination and motion to quash hearing indicate that both courts erroneously concluded that the testimony was admissible because the prosecution's burden at a preliminary examination is much lower than the standard of proof at trial. Although it is true that the burden of proof at a preliminary examination is less demanding than at trial, that principle concerns the *weight* evidence is given after it is properly admitted. It has nothing to do with the threshold question of admissibility. Nor does the lower standard of proof diminish the prosecution's obligation to establish the admissibility of the evidence upon which it relies.

Because the prosecution failed to establish that Officer Grys's testimony regarding the Drugs.com identification fell within MRE 803(17), the testimony was inadmissible hearsay. See *Lemons*, 514 Mich at 504. Without that testimony, the prosecution failed to present any admissible evidence identifying the pills as controlled substances. Accordingly, the district court abused its discretion by binding defendant over for trial, and the circuit court erred by denying defendant's motion to quash. See *Murawski*, 349 Mich App at 302-303.

We reverse.

/s/ Thomas C. Cameron
/s/ Allie Greenleaf Maldonado
/s/ Randy J. Wallace

Court to expand the record under MCR 7.216(A)(4). "As a general rule, appeals in this Court are heard on the original record, MCR 7.210(A), and a party may not expand the record on appeal." *People v Smith*, 351 Mich App 1, 32; 34 NW3d 593 (2024) (quotation marks and second citation omitted). We therefore decline to consider this evidence. We likewise decline to address whether Drugs.com qualifies as hearsay under MRE 803(17).