

# Order

Michigan Supreme Court  
Lansing, Michigan

November 29, 2022

Elizabeth T. Clement,  
Chief Justice

164885 & (23)

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

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 164885  
COA: 362210  
Oakland CC: 2022-279989-FH

JAMES ROBERT CRUMBLEY,  
Defendant-Appellant.

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On order of the Court, the motion for stay and immediate consideration is GRANTED. The application for leave to appeal the September 14, 2022 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted, limited to whether there was sufficient evidence of causation to bind the defendant over for trial on the charges of involuntary manslaughter. We direct the Court of Appeals' attention to the fact that we have also remanded *People v Jennifer Lynn Crumbley* (Docket No. 164883) to the Court of Appeals for consideration as on leave granted of the same issue. Trial court proceedings in the Oakland Circuit Court are stayed pending the completion of this appeal. On motion of a party or on its own motion, the Court of Appeals may modify, set aside, or place conditions on the stay if it appears that the appeal is not being vigorously prosecuted or if other appropriate grounds appear. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.

BERNSTEIN, J. (*dissenting*).

I respectfully dissent. While I recognize that this case raises a number of novel legal issues, the appellate process is designed such that many of those issues are more appropriately considered *after* trial, if necessary. The only question that must be addressed at this stage of the proceedings is defendant's challenge to the finding that probable cause exists to support the bindover. See *People v Yost*, 468 Mich 122, 124 n 2 (2003). I believe that considering whether the prosecutor has presented sufficient evidence of causation to

support the bindover of defendant here before trial will not provide the Court of Appeals with a full picture of the relevant evidence and testimony. Moreover, addressing causation

at this stage will unnecessarily delay the trial proceedings, which are set to begin in January. In order to avoid needless delay, I would prefer to remand to the Court of Appeals simply for that court to reconsider defendant's challenge to the denial of the motion to quash in light of the concern articulated in *Yost*, as I believe any substantive questions pertaining to causation should not be addressed until after trial is complete.



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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.

November 29, 2022

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk