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Order

November 21, 2025, Michigan Supreme Court

169028

Megan K. Cavanaugh

Lansing, Michigan

Chief Justice Brian K. Zahra
Richard H. Bernstein
Elisabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood
Justices

PEOPLE OF THE STATE OF MICHIGAN
Plaintiff-Appellee,

SC: 169028
COA 375655
Jackson CC: 24-005111-FH

V

RICKEY DRANELL PATTERSON,
Defendant-Appellant.

On order of the court, the application for leave to appeal September 8th, 2025, order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this court.

I, Elizabeth Kingston-Miller, clerk of the Michigan Supreme Court, certified that the foregoing is a true and complete copy of the order entered at the direction of the court.

November 21, 2025, s/ Elizabeth Kingston-Miller

ORDER

PEOPLE OF MI V

RICKY DARNELL PATTERSON

Docket No. 375655

LC No. 24-005111-FH

Christopher M. Murray
Presiding Judge
Kristina Robinson Garrett
Mariam Saad Bazzi
Judges

COURT OF APPEALS, STATE OF MICHIGAN

The application for leave to appeal is DENIED for lack of merit in the grounds presented.

Christoper Murray
Presiding Judge

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

September 8, 2025 s/Jerome W. Zimmer Jr
Date Chief Clerk

State of Michigan

in The Circuit Court
For The County of Jackson

People of the State of Michigan
Plaintiff,
Case No. 24-5111-FD
v **Hon. John G. McBain**

Ricky Darnell Patterson

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OPINION REGARDING DEFENDANTS MOTION TO DISMISS

Facts

On September 17th, 2024, Defendant Patterson Ran a stop sign in his Jeep at the intersection of Franklin and Third St. In Jackson County and collided with a motorcycle rider, Paul Conway. As established by Mr. Conway's testimony at preliminary exam, Mr. Conway broke his left shoulder into seven pieces, broke three ribs, cracked one rib, and sustained urethra damage. Mr. Conway spent a day and 1/2 in the hospital and 10 days on a catheter. Jackson Police Department officer, Officer Tenney, Responded to the scene of the accident. He approached defendants vehicle and smelled burned marijuana from inside it. Defendant indicated that he had smoked marijuana in the past, but he had not smoked that day. Defendant claimed his passengers smoked marijuana in the vehicle while he was in it. Officer Tenney observed it defendant he had glassy eyes and a calm demeanor. Subsequently, Officer Tenney administered STANDARD FIELD SOBRIETY TEST (SFST's) with Defendant Patterson. Defendant Patterson showed two out of the six clues on the Horizontal Gaze Nystagmus, Six out of the 8 clues on the Walk and Turn test, and three out of the four clues on the One Leg Stand test. Officer Tenney requested an ARIDE trooper (advanced roadside impairment enforcement). Trooper Leddy Reported to the scene and

administered 2 additional tests that focus on whether an individual is under the influence of drugs, but Defendant Patterson did not exhibit any clues on those tests. Defendant Patterson consented to a PBT test, which did not indicate any alcohol impairment. Officer Tenney, Still concerned at Defendant Patterson was under the influence of marijuana, placed defendant under arrest for illegal blood draw. Defended Patterson's blood results detected 4.9 ng/mL of Delta Nine THC, which is the active THC level and contributes to active THC intoxication. The people charged defendant Patterson with operating under the influence causing serious bodily injury contrary to MCL 257.625 (5).

Defendant Patterson exercise is ability to have a preliminary examination. At preliminary examination, the primary issue appeared to be whether there was sufficient evidence to establish that Mister Conway suffered a serious injury as required under the criminal law. Ultimately, the District Court found there was sufficient evidence to prove by under the probable cause standard that Defendant Patterson was under the influence of drugs while operating a motor vehicle in that Mr. Conway sustained serious injury.

Defendant Patterson now appears before this court and request that this court dismiss the charge. Specifically, Defendant Patterson asserts the evidence was insufficient to prove that Mr.

Conway's injuries met the threshold injury requirement under MCL 257.625 (5) because the people have failed to provide medical records of Mr. Conways' entries, the evidence failed to prove that defender Patterson was under the influence of drugs because he passed the ARIDE test, and 4.6 ng/mL of THC cannot establish Intoxication. Additionally, defendant requests that the court permit admission of Mr. Conway's prior 1995 convictions for criminal sexual conduct 4th and failure to comply with reporting duties in 2005 in 2010 under MRE 609.

The people responded to Defendant Patterson's motion. The people cert that there was sufficient probable cause to bind over to charge because there were other indications of intoxication such as failing two of three SFST's and running a stop sign. Additionally, the people assert yet Mr. Conway's testimony is sufficient to establish probable cause about the severity of his injuries from the accident. Finally, the people argue that Mister Conway's criminal convictions do not fall within MRE 609.

Legal Standard

If evidence presented at preliminary examination does not support a finding of probable cause that a crime has been committed or that the defendant committed it, a court must discharge the defendant. MCR 6.110 (F). Probable "cause is established when there is

enough evidence to cause a person of ordinary caution and prudence to conscientiously entertain a reasonable belief of the defendant's guilt." *People v Crumbley, 346 Mich App, 144, 167 (2023).* On appeal, a trial court reviewing the district court's decision for bind over reviews the decision for an abuse of discretion. *People v Zutka, 325 Mich App 38, 43 (2018).*

A party may admit evidence of a witnesses prior criminal conviction on cross examination if the crime contained either an element of dishonesty or false statement or contained an element of theft. MRE 609 (a). If the crime contained an element of theft, then the crime must be punishable by one year or more, and it must have significant probative value on the person's truthfulness. MRE 609(a)(2). Crimes that are older than 10 years are not admissible, MRE 609 (c).

ANALYSIS

The District Court did not abuse its discretion and binding over the charge against Defendant Patterson. An individual violates MCL 257.625(5) when "A person, whether license or not, who operates a motor vehicle and violation of sections (1), (3), or (8) and by Operation of that motor vehicle causes a serious impairment of a bodily function is guilty of a crime." The applicable subsection to this case is MCL 257.625

(1),which states, “A Person, whether license or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the state if the person is operating well intoxicated.” Operating while intoxicated includes operating" under the influence… of a controlled substance.” MCL 257.625(1)(a). Marijuana is a controlled substance that is regulated under MCL 257.625. *People v Dupre*, 335 Mich App 126, 128 (2020). A person is under the influence” of marijuana if it had " some in fact and the person... Such that it weakened or reduced the[person’s] ability Two drive such that the person drove with flexibility then would an ordinary, careful, and prudent driver.” *Id* at 139 (Internal citations omitted.)

First, there is no dispute that Defendant Patterson operated a vehicle on a road accessible or generally accessible to the public. At time Defendant Patterson ran to stop sign, he was driving his Jeep through the intersection of 3rd St. and Franklin St. Which are public roads in Jackson County. Second, the testimony establishes that Defendant Patterson had a controlled substance in his system because defendant's blood results demonstrated that he had4.6 ng/mL of THC in his system. The only two questions remaining are: (1) whether Defendant Patterson was under the influence of marijuana;

and (2) Weather Mr. Conway sustained a serious injury. The evidence supports by a burden of probable cause that Defendant Patterson was under the influence of marijuana at the time of the incident. A person is under the influence of marijuana if the substance affects a person's ability to drive. *Dupre, 335 Mich App at 139*. The evidence at preliminary examination is established at Defendant Patterson we're in a stop sign and also showed signs of intoxication during 2 of the 3 SFST's. Defendant argues that he did not indicate signs of drug intoxication during the ARIDE tests, so the evidence fails to show he was under the influence of drugs. But when considering the's SFTS , which are intended to test a person's ability to operate a motor vehicle, and the fact that he ran a stop sign, which no reasonable prudent driver would proceed through an intersection without ensuring it is clear to do so first, there is evidence for a reasonable person to entertain Defendant Patterson's guilt.

At oral argument, defend relied on *People v Ellenwood*, unpublished per curium opinion of the Court of Appeals, issued December 22nd, 2022 (Docket No. 362219), p.3 to show that Defendant Patterson's level of intoxication was insufficient to establish that he was under the influence of marijuana. In *Ellenwood*, the defendant was operating a snowmobile at high speeds at night and crashed into an ice fishing

shanty, killing the person inside. *Id.* at 1. When the defendant consented to a blood draw, the lab report showed the defendant had 8 ng/mL of THC in his system, but there was no other evidence to show the defendant was operating the snowmobile under the influence. *ID.* At 2. Ultimately, the court held that the evidence failed to indicate the defendant operated the snowmobile well under the influence of a controlled substance. *Id.* At 3. The court reasoned there was no evidence to show that the defendant was unable to operate the snowmobile in a normal manner it was dark and there were 20 to 50 shanties on the ice the defendant was going 50 to 70 mph, and the defendant had looked down before suddenly colliding with the shanty without a chance to break. *Id.* The Ellenwood Court Held the striving was reckless, but there was no indication of driving under the influence of drugs because" driving recklessly does not equate to driving under the influence, " *Id.* The Ellenwood Court, Could not fault the defendant for looking down, is drivers often look down for one reason or another. *Id.*

Contrary to Ellenwood , there is more evidence to show that Defendant Patterson Was intoxicated. Specifically, Defendant Patterson ran a stop sign, and there was no evidence present at preliminary examination to justify if there was any other reason he ran the stop sign beyond operating under the influence of

marijuana. Where a stop sign is visible, the typical driver would stop at the stop sign and assured there is no oncoming traffic, and Defendant Patterson had that same expectation. Moreover, defendant showed multiple clues on SFST's, which are used to determine if a person is under the influence of an intoxicating substance. In Ellenwood, the trial court merely relied on the evidence of THC because all of the other evidence point it towards reckless driving, and the presence of THC alone is insufficient. However, in this case, there is more evidence than THC. Ellenwood is not on point in this case. It is reasonable to infer they had Defendant Patterson operate his vehicle under the influence of marijuana.

Finally, by showing of probable cause, it is evident that Mr. Conway sustained a serious impairment of body function. For purposes of the motor vehicle code, the definition of MCL 257.58 c for serious impairment of a bodily function applies when evaluating if there is a threshold injury in the criminal context.. *People v Thomas,* 263 Mich App 70, 75 (2004); *People v Vidergar*, And publish per curium opinion of the Court of Appeals, issued on April 6, 2004(Docket No. 257867), p 2, fn 1. Of pertinent relevance, a serious impairment of a body function includes a "skull fracture or other serious bone fracture." MCL 257.58c(h). It preliminary examination, Mr. Conway testified that his shoulder was broken

into 7 pieces in there he broke three ribs. There was no objection to the remission of this testimony. Instead, defense counsel objected to the lack of supporting medical records. Without suspicion objection to refute the reliability of the testimony, for purposes of the probable cause burden, this evidence is in the record. At preliminary examination, the people are not expected to provide every ounce of evidence to support the relatively low burden. *People v Yost,* 468 Mich 122, 132 (2003). Mr. conway's testimony demonstrated that he suffered multiple bone fractures of his shoulders and ribs. While Mr. Conway spent a relatively short time in the hospital for his recovery, as the shoulders and ribs are significant parts of a person's everyday function, a person could regionally find that these fractures are "serious." an expert of the medical records may refute this evidence at a trial but Mr. Conway's testimony is sufficient to establish this element by the probable cause burden and preliminary examination.

Because the evidence and testimony at preliminary examination could establish all the elements by a probable cause standard, this court cannot find that the District Court abused its discretion in binding over the charge. This court denies Defendant's motion to dismiss the case.

In addition to defendants request to dismiss the case defendant requested to admit evidence under MRE 609 of Mr. Conway's prior

criminal convictions for criminal sexual conduct and failing to report his residence. MRE 609 permit submission of a witnesses prior criminal convictions if they had an element of theft, dishonesty, Or false statement. While there may be an argument for admissibility under that standard, MRE 609 (c) prohibits admissibility of criminal convictions that are older than 10 years old. Defendant only requests to admit Mr. Conway's convictions for criminal sexual conduct 4th degree in 1995 and failing to register/report in 2005 in 2010. These are older than 10 years, and defendant concedes that fact. Despite potential probative value, MRE 609 c Does not provide an exception for admissibility of crimes older than 10 years for impeaching a witness. Due to the mandatory exclusion of criminal convictions greater than 10 years old in MRE609-C, this court declines to permit defendant to admit these convictions against Mr. Conway..

Conclusion

The evidence presented at preliminary examination demonstrates by probable cause standard that Defendant Patterson likely operated his Jeep while under the influence of marijuana and seriously injured Mr. Conway. Accordingly, the District Court did not abuse its discretion in binding over the charge. Moreover, Mr. Conway's criminal convictions are still for admission for purposes of impeachment under

MRE 609 c. Accordingly, Defendant's motion is denied.

IT IS SO ORDERED this 29th day of April 2025.

S/JOHN MCBAIN
HONORABLE JOHN G. MCBAIN
CIRCUIT COURT JUDGE

STATE OF MICHIGAN
4TH JUDICIAL CIRCUIT FOR THE COUNTY OF JACKSON

People of the State of Michigan
Plaintiff,
Case No. 24-5111-FD
v **Hon. John G. McBain**
Ricky Darnell Patterson
Defendant.

PRETRIAL HEARING
BEFORE THE HONORABLE JOHN G. MCBAIN, CIRCUIT COURT JUDGE
Jackson, Michigan Tuesday, March 18, 2025

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Jackson, Michigan
Tuesday, March 18, 2025- 10:01:43 a.m.

THE COURT: All right, matter of the people, State of Michigan versus Ricky Darnell Patterson, file number 24-0511-FH. The Record should reflect the presence of Mr. Patterson, who's making his way up to the lectern, accompanied by his council of record of this matter, Mr. Willman. And we're here for scheduled pretrial hearing. Correct?

THE CLERK: (undecipherable)

THE COURT: All right, for a scheduled pretrial. Go ahead, Mr. Willman.

MR. WILLMAN: Yes, your honor. I have a motion in this case you don't have it then as a motion order?

THE CLERK: It's at the end of the motion.

MR. WILLMAN: Oh, okay. Your honor, in this particular case, if you if you read through it my client was in a motor accident with Mr. Conaway who's here today. But my client was driving his Jeep on W Franklin Harley sportster ran into the side of his car.

At the hearing downstairs, Judge Klaeren Bound my client over and the fact that he believed he was impaired just because he had 4.6 nanograms grams--milligrams Of marijuana--of active THC in his system. And it was the --

contention of defendant on a couple of things, your honor.

But but we brought in the ARIDE Michigan State trooper who was called to the scene who did test with Mr. Patterson. And he testified on the stand, which is in the preliminary transcript, which is attached, that Mr. Patterson was not impaired. And so Judge Klaeren Substituted his--his judgment for that of the---of the officer.

And Judge, what's kind of ironic, Mr. Brandt was in here today, and Mr. Brandt handled the case out in Lenawee county where snowmobiler was crossing the lake, wind up hitting a shanty, and he was accused of being under the-- influence of THC.

And it's an unpublished case, but there was a case that they cite that is published *People verse Kuhn,* 494 Mich 1, and it's at –a 1013 case. And it said, "Under the influence of these more than having a specific amount of marijuana in a person's system. There must be an effect--in effect and a person".

Therefore, *Kuhn,* was defining what meant to be under the influence for purposes of the medical marijuana act, and it seems applicable to other sections of compiled laws Michigan compiled laws using the term of art holding that a driver's ability to drive must have been substantially altered. And then they found out in this---that case that the record did not

indicate that the defendant's behavior was affected by THC, cuz the police officer talked to the guy, said ”Hey, Even though he's kind of mellow he passed all the tests”.

And Judge, in this particular instance, we had a Michigan State trooper come out. They called them out to the scene, and they're like,” “hey, were--we kind of don't know about this. Can you come out and check this guy out?” cuz Smelled marijuana in the car from his passengers. And the ARIDE Michigan State trooper-- and that's what he's trained in-- it's hard to do this-- for me to say, Judge. I got to go with what the police officer said, and over what Judge Klaeren Substituted his testimony and -- or his-- his opinion.

And judge, it was just you know, I would say that for Judge Klaeren Substitute his actual personal belief that, you know, just based on the 4.6 nanograms that my client was impaired, you know, that's---

that's--- that goes against the law . It should be a – an abuse of discretion.

In regards to Mr. Conaway, you know, he wasn't tested at the scene, but I put it in the record that he was involved in other prior motorcycle accident just two months earlier in May --Or a few months earlier in may of that year, and his THC active level was significantly higher than my clients, and that his total THC

was higher than my clients. He was not issued a ticket at all.

And I--I did point out the fact--I would like a couple of other issues I'd like to make on Record. Your honor, at that time, Mr. Conaway had five or six friends show up at the scene, they had left the common bar or someplace like that. They show up a minute or two later. So he obviously had accelerated away from them. He was not with them they showed up on the scene. They were quite unruly. Not one of them was arrested and charged of anything.

And I just, you know, I found that a little bit unusual. But they- they the police officers that handled the scene were very you know I don't know discretionary.

And so, your honor there's no set standard in Michigan for what would be constitute a level of impairment. I did attach some charts, some scientific reports which would put it--he essentially would have been like a.30 on the alcohol standard. And we have to show that he's substantially--this has substantially affected his driving.

And I would like an opinion, or at least an order in this case, judge, because--regards if you don't want to go my way, this is something that I've already prepared and interlocutory appeal.

I think it's an—it--there's just--there's just nothing out there. There's not enough on it

other than this one unpublished case that was-- or to publish case-- unpublished case that I-Mr..--It was Mr. Brandt's that I did cite, which did cite in the actual case which defines what under the influence means. It's had more--you got to have more than a specific, you know, amount. It has to affect your ability to drive substantially. And that wasn't proven yet to record by an MSP trooper who said that my client was not drunk.

The other issue that I brought up in my case--

my other main concern, judge, was that Mister Conaway, you know, I -– I Put in there he was a registered sex offender, had sex with it incapacitated person, and he failed to register twice. And if you are failing to register at least twice during your particular period of time, I think that's evading police protection--or police detection. He's evading the law, and that goes to truth or dishonesty and his propensity for truth or dishonesty.

And if we wind up having to go to trial, I want to be able to delve into his propensity for truth or dishonesty. And I think that goes directly to it, cuz I can't think of a more dishonest act that having sex with a incapacity incapacitated person and then failing to register at least twice during that time when you know you have a duty to register, so.

THE COURT: Okay. Well, the state has filed a response to this so Ms. Lindenmuth go ahead.

Ms. Lindemuth: thank you, your honor. So first I'll start with the motion to dismiss request he made the argument at prelim Judge Klaeren Did bind it over. Even this case he just presented to me this morning--I skimmed through it-- it looks like this case, they just relied on what the lab results to say that there was impairment.

The ARIDE Officer did testify at exam that he didn't indicate any of the-- or he didn't see any of the indicating clues in the ARIDE test.

However, prior to that-- and I understand standard field severity test are not essentially for other substances. But the defendant in this case couldn't perform them. He had, I think, 4 out of 6 clues and six out of eight clues on the walk and turn, the leg stand, which showed signs of impairment, which is why they then do the blood draw.

So, based on the language in the statute, we just have to show that the ability was reduced. And this is even quoted in the case that he gave me this morning such that it weakened or reduced the person's ability to drive and that such person drove with flexibility then an –a ordinary, careful, imprudent driver.

We had testimony at exam downstairs that defendant ran a stop sign and that's what caused this accident. If you are under the influence, those tests for the standard field sobriety Tees are those multi-tasking test and we have testimony that he ran a stop sign.

So I think it's improper to ask the court to dismiss this case on his analysis of the transcript, because we did show impairment and that is why Judge Klaeren bound the case over.

THE COURT: Would you-- Cheyenne, would you make sure that I get a copy of that case? I just want a copy cuz

THE CLERK: Is that Caryn, or

MR. WILLMAN: Which one?

THE COURT: You got yours there, too?

MR. WILLMAN: Yeah

THE COURT: Okay. Well, what I'm gonna do Is-- obviously filed a very detailed motion, Mr. Willman, Along with attachments so-- I'd like to read both the published and published decisions. So I'm gonna take this under advisement.

Madam Clerk, can you give me a date in say 3 weeks for issuance of an opinion?

THE CLERK: We already

THE COURT: I think both sides have done a good job developing their arguments. So I know it's kind of a new cutting edge area.

MR. WILLMAN: It is, your Honor.

THE CLERK: So – need To set it for a pretrial after that date, your honor?

THE COURT: Yes. Set it for pretrial after that. Defendants out on bond, so. But I'll get started on that today.

THE CLERK: Let's go with April 29th.

THE COURT: Okay, so April 29th will be our—

THE CLERK: Pretrial.

THE COURT: Pretrial date and--what's the date issuance of my opinion? April--all right.

MR. WILLMAN: I can--I can send this over to you on a PDF.

THR COURT: That's fine.

MR. WILLMAN: All right. All set?

THE COURT: I'm all set.

MR. WILLMAN: All right, thank you.

(at 10:11:27 a.m., hearing concluded)

CERTIFICATION

This is to certify that the attached electronically recorded proceeding, consisting of eleven (11) pages, before the 4th judicial Circuit Court, Jackson County:

PEOPLE OF THE STATE OF MICHIGAN

V

RICKY DARNELL PATTERSON

Location: Circuit Court

Date: Tuesday, March 18th, 2025

was held as hearing appeared and that this is testimony from the original transcript of the electronic recording thereof, to the best of my ability.

I further state that I assume no responsibility for any events that occurred during the above proceedings or any inaudible responses by any party or parties that are not discernable on the electronic recording of the proceedings.

S/Linda Bacon, CER #8970
Certified Court Reporter
Dated: June 8, 2025.

14th Amendment US Const. Amend. XIV

No state shall make or enforce any law which shallow bridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Due Process Clause Constitution of the State of Michigan Const 1963, Art I, Sec 17

No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.

MCL257.625 Operating motor vehicle while intoxicated; "operating while intoxicated" defined; operating motor vehicle when visibly impaired; penalties for causing death or serious impairment of a body function; operation of motor vehicle by person less than 21 years of age; "any bodily alcohol content" defined; requirements; controlled substance; costs; enhanced sentence; guilty plea or nolo contendere; establishment of prior conviction; special verdict; public record; burden of proving religious service or ceremony; ignition interlock device; definitions; prior conviction; violations arising out of same transaction.

Sec. 625.

(1) A person, whether licensed or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person is operating while intoxicated. As used in this section, "operating while intoxicated" means any of the following:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under subsection (28), the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state by a person if any of the following apply:

(a) The person is under the influence of alcoholic liquor, a controlled substance, other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under subsection (28), the person has an alcohol content of 0.10 grams or more per 100

milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person's ability to operate the motor vehicle is visibly impaired due to the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(3) A person, whether licensed or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state when, due to the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

(4) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes the death of another person is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. The judgment of sentence may impose the

sanction permitted under section 625n.[1] If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d[2] in the judgment of sentence.

(b) If the violation occurs while the person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, and within 7 years of a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(c) If, at the time of the violation, the person is operating a motor vehicle in a manner proscribed under section 653a and causes the death of a police officer, firefighter, or other emergency response personnel, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. This subdivision applies regardless of whether the person is charged with the violation of section 653a. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(5) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes a serious impairment of a body function of another person is guilty of a crime as follows:

(a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(b) If the violation occurs while the person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, and within 7 years of a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

https://legislature.mi.gov/Laws/MCL?objectName=MCL-257-625

MCL 333.27954 Scope of act; unauthorized activities with marihuana and marihuana accessories; limitations; application of privileges, rights, immunities, and defenses under other marihuana laws; employer rights; property owner rights.

Sec. 4.

1. This act does not authorize:

(a) operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana;

(b) transfer of marihuana or marihuana accessories to a person under the age of 21;

(c) any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;

(d) separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;

(e) consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age;

(f) cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or

outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;

(g) consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way;

(h) possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility; or

(i) Possessing more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

2. This act does not limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of this state allowing for or regulating marihuana for medical use.

3. This act does not require an employer to permit or accommodate conduct otherwise allowed by this act in any workplace or on the employer's property. This act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for

working while under the influence of marihuana. This act does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.

4. This act allows a person to prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking.

5. All other laws inconsistent with this act do not apply to conduct that is permitted by this act.

https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-333-27954