

No. _____

**In the
Supreme Court of the United States**

RICKY DARNELL PATTERSON,

Petitioner,

v.

THE STATE OF MICHIGAN

Respondent.

**Petition For A Writ of Certiorari
To The Supreme Court of Michigan**

**SUPPLEMENTAL APPENDIX
Vol. II of III**

PETITION FOR A WRIT OF CERTIORARI

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SUPPLEMENTAL APPENDIX

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Addendum

State Constitutional provisions

Due Process Clause Constitution of the State of Michigan 1963, Article 1, Section 17

§ 17 Self-incrimination; due process of law; fair treatment at investigations. 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. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed. History: Const. 1963, Art. I, § 17, Eff. Jan. 1, 1964. Former constitution: See Const. 1908, Art. II, § 16

Federal Constitutional provisions

14th Amendment US Const. Amend. XIV Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge 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.

State of Michigan Statutes

MCL 257.58c “Serious impairment of a body function” defined.

"Serious impairment of a body function" includes, but is not limited to, 1 or more of the following:

- (a) Loss of a limb or loss of use of a limb.
- (b) Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb.
- (c) Loss or substantial impairment of a bodily function.
- (d) Serious visible disfigurement.
- (e) A comatose state that lasts for more than 3 days.
- (f) Measurable brain or mental impairment.
- (g) A skull fracture or other serious bone fracture.
- (h) Subdural hemorrhage or subdural hematoma.
- (i) Loss of an organ.

MCL 257.625 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.

(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.

**MICHIGAN REGULATION AND
TAXATION OF MARIHUANA ACT
(EXCERPT)**

Initiated Law 1 of 2018

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

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

(c) 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;

(d) 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;

(e) 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;

(f) 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;

(g) 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

(h) 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. 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.

3. 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.

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

MCL 500.3135 Tort liability for noneconomic loss; exceptions; cause of action for damages; "serious impairment of body function" defined.

(5) As used in this section, "serious impairment of body function" means an

impairment that satisfies all of the following requirements:

(a) It is objectively manifested, meaning it is observable or perceivable from actual symptoms or conditions by someone other than the injured person.

(b) It is an impairment of an important body function, which is a body function of great value, significance, or consequence to the injured person.

(c) It affects the injured person's general ability to lead his or her normal life, meaning it has had an influence on some of the person's capacity to live in his or her normal manner of living. Although temporal considerations may be relevant, there is no temporal requirement for how long an impairment must last. This examination is inherently fact and circumstance specific to each injured person, must be conducted on a case-by-case basis, and requires comparison of the injured person's life before and after the incident.

History: Am. 2012, Act 158, Eff. Oct. 1, 2012 ; -Am. 2019, Act 21, Imd. Eff. June 11, 2019 ; -Am. 2019, Act 22, md. Eff. June 11, 2019."Enacting section 1 of Act 22 of 2019. . . provides: "Enacting section 1. Section 3135 of the insurance code of 1956, 1956 PA 218, MCL 500.3135, as amended by this amendatory act, is intended to codify and give full effect to the opinion of the Michigan supreme court in *McCormick v Carrier*, 487 Mich 180 (2010)."

MCL 750.520e Criminal sexual conduct in the fourth degree; misdemeanor. Sec. 520e.

(1) A person is guilty of criminal sexual conduct in the fourth degree if the person engages in sexual contact with another person and if any of the following circumstances exist:

(c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

Michigan Court Rule

**RULE 6.110 THE PRELIMINARY
EXAMINATION**

(c) Conduct of Examination. A verbatim record must be made of the preliminary examination. The court shall allow the prosecutor and the defendant to subpoena and call witnesses, offer proofs, and examine and cross-examine witnesses at the preliminary examination. The court must conduct the examination in accordance with the Michigan Rules of Evidence.

Exclusionary Rules.

(1) The court shall allow the prosecutor and defendant to subpoena and call witnesses from whom hearsay testimony was introduced on a satisfactory showing that live testimony will be relevant.

(2) If, during the preliminary examination, the court determines that evidence being offered is excludable, it must, on motion or

objection, exclude the evidence. If, however, there has been a preliminary showing that the evidence is admissible, the court need not hold a separate evidentiary hearing on the

question of whether the evidence should be excluded. The decision to admit or exclude evidence, with or without an evidentiary hearing, does not preclude a party from moving for and obtaining a determination of the question in the trial court on the basis of

- (a) a prior evidentiary hearing, or
- (b) a prior evidentiary hearing supplemented with a hearing before the trial court, or
- (c) if there was no prior evidentiary hearing, a new evidentiary hearing.
- (d) Probable Cause Finding. If, after considering the evidence, the court determines that probable cause exists to believe both that an offense not cognizable by the district court has been committed and that the defendant committed it, the court must bind the defendant over for trial. If the court finds probable cause to believe that the defendant has committed an offense cognizable by the district court; it must proceed thereafter as if the defendant initially had been charged with that offense.
- (e) Discharge of Defendant. No Finding of Probable Cause. If, after considering the evidence, the court determines that probable cause does not exist to believe either that an offense has been committed or that the

defendant committed it, the court must discharge the defendant without prejudice to the prosecutor initiating a subsequent prosecution for the same offense or reduce the charge to an offense that is not a felony. Except as provided in MCR 8.111(C), the subsequent preliminary examination must be held before the same judicial officer and the prosecutor must present additional evidence to support the charge.

MICHIGAN RULE OF EVIDENCE

Rule 702 Testimony by Expert Witnesses A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if the proponent demonstrates to the court that it is more likely than not that: (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (b) the testimony is based on sufficient facts or data; (c) the testimony is the product of reliable principles and methods; and (d) the expert's opinion reflects a reliable application of the principles and methods to the facts of the case.

PEOPLE OF THE
STATE OF MICHIGAN

Jackson CC: 24-005111-FH

Plaintiff-Appellee,

V

RICKEY DRANELL PATTERSON,

Defendant-Appellant.

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DEFENDANT'S MOTION & BRIEF IN
REGARD TO WHAT CONSTITUTES
IMPAIRMENT UNDER MCL 257.625(S)(a)

IN REGARD TO MARIJUANA USAGE AND
TO ALLOW THE CRIMINAL RECORD OF
THE COMPLAINING WITNESS BE USED
FOR IMPEACHMENT PURPOSES.

STATEMENT OF FACTS

On September 17, 2024 at 10:11 PM complaining witness Paul Conaway was riding a light entry level Harley-Davidson 1200 Sportster westbound on W. Franklin St., when he collided into the side of a vehicle (2016 Jeep) driven by Defendant Ricky Patterson (accident happened at Third and W. Franklin, Jackson, Michigan). Mr. Conaway claimed that Mr. Patterson did not stop at a stop sign and pulled out in front of him. Mr. Conaway claimed he attempted to brake, but was unable to stop and ran into the side of Mr. Patterson's vehicle with his motorcycle.

On the night in question Mr. Patterson stated he was leaving a friend's house and offered two other friends a ride home. Mr. Patterson stated he was headed north bound on Third St. and that he did in fact stop at the stop sign at the corner of Third and W. Franklin St. Mr. Patterson stated he did not see Mr. Conaway on his motorcycle until after Mr. Conaway hit Mr. Patterson's vehicle.

ARIDE (Advanced Roadside Impairment Enforcement)

At a Preliminary hearing held on Wednesday October 30, 2024 at 9:30 am, before 12th District Court Judge the Honorable Michael Klaeren the Court found that Defendant was impaired under MCL 257.625(5)(a), OWI causing serious impairment of a bodily function. Michigan State Trooper Joshua Leddy who is trained in ARIDE (Advance Roadside Impairment Enforcement) was called to the scene and concluded at the scene and testified at the preliminary exam that Defendant Mr. Patterson passed all field test and was not impaired (See Exhibit #3 pgs31-32).

At the end of the above hearing the Comi directed the parties to brief under the above statute what actually meet/constituted a serious bodily impairment. Defense Counsel argued that the injuries complained of did not meet the standard of a serious bodily impairment. The defense argument was based on what constitutes a serious bodily injury order both the Michigan No-Fault and Workers Compensations Acts (citation omitted).

After a review of the law by counsel it was determined that the Michigan legislature did in fact make a distinction between MCL 257.625 (5)(a) and the Michigan No-Fault and Workers Compensations Acts. Indeed the standard for serious impairment is a significantly lower threshold, which is backed up by case law. *People v Thomas*, 263 Mich.

App. 70, 75, 687 N.W. 2d 598 (2004) which held the:

... definition is significantly different than the definition of "serious impairment of body function" in the no-fault act. For example, the no-fault act's definition requires that such an impairment must be "objectively manifested," MCL 500.3135(7), a requirement that does not appear in the criminal statute. MCL 257.58c. Similarly, the no-fault act limits the "serious impairment" definition by specifying that the body function affected must be an "important" one and that the impairment must be "affect" the person's general ability to lead his or her normal life." MCL 500.3135(7). In contrast, the criminal statute's definition of a "serious impairment" has no such limitations. It is clear that the category of injuries that constitute a "serious impairment of a body function" under the criminal statute is broader than the category of injuries constituting a serious impairment of body function" under the no-fault act. Thus, the no-fault act definitions and precedents construing it are not helpful.

The legislative history also supports the above conclusion noted in *People v Thomas* yet the Complaining witness offered only his testimony and zero proof of his injuries at the preliminary exam in this matter. After a review of body cam in this matter police officers are heard discussing this is the same guy (Complaining Witness) that had been in another motorcycle accident months earlier in May 2024 (See attached Exhibit #5). It has also since been discovered that the Complaining witness is suing Defendant and his insurance carrier Progressive insurance.

I.

THERE IS NO SET STANDARD IN THE STATE OF MICHIGAN FOR IMPAIRMENT BASED ON A DEFENDANT'S ACTUAL ACTIVE THC LEVEL. THE DISTRICT COURT IMPROPERLY DISREGARDED THE TESTITMONY OF A MICIDGAN STATE TROOPER (MSP) TRAINED IN ARIDE (ADVANCE ROADSIDE IMPAIRMENT ENFORCEMENT). MSP TROOPER LEDDY TESTIFIED DEFENDANT NOT WAS NOT IMPAIRED AT THE TIME OF THE ACCIDENT IN QUESTION. THE DECESION OF THE DISTRICT COURT TO BIND OVER WAS INCORRECT, NOT SUPPORTED BY, LAW, FACT OR SCIENCE.

The District Court found that Defendant was impaired based on the conclusion that Defendant had an active THC level of Delta - 9 THC- 4.6ng/mL. (See attached Exhibit #2¹⁷ MSP Lab Rep01i). As noted above the testimony of MSP Trooper Leddy who conducted field test, concluded that Defendant was not impaired.

A nomogram (ng) is a unit of measurement for mass that is equal to one billionth of a gram. Defendant had an active THC level of Delta - 9 THC- 4.6ng/mL 0.00004599999999999999 Milligram.

A milligram (mg) is a unit of measurement for mass in the metric system that is equal to one thousandth of a gram.¹⁸

Currently there is no set standard (only silence) in the State of Michigan for impairment based on a Defendant's actual active THC level and in this matter the Defendant passed all field tests for impairment.

¹⁷ For the purposes of this brief Defendant asserts that he was only taken into custody to test his blood alcohol content which was zero (See attached Exhibit #1).

¹⁸ Ng/Ml To Molarity Formula

The following formula is used to calculate molarity from ng/ml.

$$M = C * MW / (V * 10^6) \quad M = (C * MW) / (V * 10^6)$$

A recent simulator study suggested that drivers with blood THC > 8.2 ng/ml were as impaired as drivers with blood alcohol content (BAC) > 0.05%. In the case at hand the active THC level found in Mr. Patterson's blood was only 4.6ng/ml if rounded off would at the most would equate to less than a BAC of 0.03%.¹⁹ (<https://pmc.ncbi.nlm.nih.gov/articles/PMC6771478/>) (Also see Exhibit #4 & 5). For all of the above Defendant Mr. Patterson was not impaired on the night in question and the case against him should be dismissed.

¹⁹ Many jurisdictions, including many US states and Canada, have set THC per se limits of 2 or 5 ng/ml. These levels, especially the 2 ng/ml level, have been criticized because they may not indicate impairment, especially in frequent users who develop tolerance to some THC impairing effects 24, 58, 59. In addition, because cannabinoids accumulate in fat, some daily users may have blood THC > 2 ng/ml after a week or more of abstinence 10 60. Advocates of lower per se levels note that THC concentration drops rapidly after smoking, so a driver could be impaired with high THC levels at the time of driving but be below 5 ng/ml several hours later if there is a delay in obtaining blood samples, a fact that supplies lower per se limits for THC. (see <https://onlinelibrary.wiley.com/doi/10.1111/add.14663>)

I.

DEFENDANT'S RESPECTFULLY REQUEST THAT HE BE ALLOWED TO INTRODUCE THE COMPLAINING WITNESSES CRIMINAL RECORD AT TRIAL WHICH IS NOT BARRED UNDER MICHIGAN RULES OF EVIDENCE MRE 609 IN REGARD TO THE COMPLAINING WITNESSES'S PROSENTITY FOR TRUTH OR DISHONESTY.

At the preliminary hearing the Complaining Witness Paul Neal Conaway Jr. was allowed to testify to his alleged injuries and his testimony was accepted by the court as evidence even though Mr. Conaway never made any actual offer of proof of his alleged injuries. It was later discovered through police video that Mr. Conaway was involved in an accident 10 May of 2024 (See attached Exhibit #5). Defendant contends that the May 2024 accident could be the source of pre-existing injury that Mr. Conaway is now seeking compensation. **Mr.** Conaway also admitted to smoking marijuana earlier on May 2024 and in fact Mr. Conaway had an active Delta-9TCH of 7.5 ng/ml (see Exhibit#6) as compared to Defendant 4.6 ng/mg. Mr. Conaway also had a Delta -9 Carboxy THC of 39 ng/ml which is more than twice that of Defendant which was 18 ng/mg.

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²⁰ In contrast to Defendant Mr. Conaway was not charged with OWI despite having significantly higher

active and none active levels of THC in his system. The video evidence in this matter shows that Mr. Conaway had several friends (all White/Caucasian) show up to the scene (he clearly sped away from the pack at a higher rate of speed since they all left the same establishment at the same time, then Mr. Conaway's friends arrived moments later) and parked their motorcycles on the sidewalk, were completely disorderly (yelling at police) yet not one person was placed under arrest.

Defense Counsel takes professional umbrage that the above is in complete contrast to the treatment of Joaquin Nathaniel Edwards 2405248-FH . In Edwards police showed up late at night in regard to an alleged domestic dispute between a couple in a parked car. Numerous Jackson Police officers on the scene demanded that the male driver of the car exit or police would smash the car window out. Mr. Edwards who was on private property (he was standing in a front yard on a small patch of grass) respectfully and rightfully exercised his 1st Amendment Right to Free speech questioning why police were going to smash out a window on a car. Mr. Edwards was charged with Disorderly Person, and Resisting Arrest (R/O). Mr. Edwards (Black/ African American) happened to be the lone citizen bystander outside while scores of police officers and police cruiser flashers woke the entire neighborhood (Mr. Edwards was also bound over to Circuit Court).

The officers at the scene involving Mr. Patterson and Mr. Conaway showed restraint with the white motorcycle riders and may have shown the same restraint with Mr. Edwards (if they were at the scene), yet it is the contention of defense counsel that there exists a rogue element (of young officers) within the Jackson P.O. that exercises a regular custom, practice and policy of treating black citizens in a grossly disrespectful, disproportionate, and Constitutionally Disparate (Impact) manner than they do white citizens.

Defendant seeks to introduce for impeachment purposes Mr. Conaway's criminal history and propensity for truth or dishonesty. General Admissibility: MRE 609 permits the use of prior convictions to impeach a witness's credibility if the crime involved dishonesty or false statement, or if it was a theft offense, provided certain conditions are met *People v Snyder*, 301 Mich.App 99, 835 N.W.2d 608 (2013) The rule creates a presumption against admissibly unless these conditions are satisfied.

In 1995 Mr. Conaway was convicted under MCL 750.520E1B Criminal Sexual Conduct 4th Degree (Incapacitated person)²¹, in 2005 and 2010 Mr. Conaway was convicted of Sex Offender Failure to Comply with Reporting duties. Application of MRE 609 as to the Complaining Witnesses: The Michigan rule does not prevent the exclusion of evidence of convictions of prosecution witnesses. This indicates that the rule was not intended to prevent the exclusion of such evidence,

The point is raised here so that maybe the Jackson P.D. will takes appropriate steps to ensure they show black citizens the same Constitutional protections and respect they offer white citizens.

²¹ Mr. Conaway also has criminal convictions for two counts Domestic Violence under MCL 750.812, one count of Assault and Battery as well as a conviction for Child Abuse 4¹¹¹ Degree under MCL 750.136B5. (see attached Exhibit #6)

allowing the court discretion to exclude it if the prejudicial effect outweighs the probative value *People v Tait*, 136 Mich. App. 475,356 N.W.2d 33 (1984).

Under the *Tait* Balancing Test: The court must balance the probative value of the prior conviction against its prejudicial effect. This involves considering factors such as the nature of the crime, the time elapsed since the conviction, and the importance of the witness's testimony. The court must articulate on the record the factors considered in making this determination. *Tait*.

Having non-consensual sex with an incapacitated person is at or near the top of the scale of dishonest acts. Failure to comply twice with Sex Offender reporting duties demonstrates and supports a finding that Mr. Conaway has a propensity for being dishonest. While these acts are more than 10 years old²². Mr. Conaway is not the Defendant

²² Time Limit: Evidence of a conviction is generally not admissible if more than ten years have passed since the date of the conviction or the witness's release from confinement, whichever is later. However, the court may admit such evidence if it determines that the probative value substantially outweighs its prejudicial effect and the proponent provides sufficient advance written notice to the adverse party *People v Redmon*, 112 Mich.App. 246,315 N.W.2d 909. (I 982). *Redmon* was distinguished by *People v Carter* 128 Mich.App. 541,341 N.W.2d 128 (1983) which dealt with the right to confrontation, where *Redmon* deals with impeachment purposes. *Carter* was overruled by *People v Woodward* 422 Mich. 941, 369 N.W.2d 852 (1985).

and as such the above noted actions should be deemed more probative than prejudicial and thus admissible.

II.
THE CASE AT HAND IS CAPABLE OF REPETITION YET EVADING JUDICIAL REVIEW.

There is no set standard in the State of Michigan for driving while impaired (OWI) based on a driver's actual active THC level and as consequence any district court (as in this case) could improperly disregard the testimony of a Michigan State Trooper trained in ARIDE (Advanced Roadside Impairment). This case is a classic example of an actual case and controversy that is Capable of Repetition yet Evading Judicial Review. *U.S. v Nixon*, 418 US 683 (1974), *Globe Newspaper v Superior Court County of Norfolk*, 457 US 596 (1982), *Gerstein v Pugh*, 420 U.S. 103, (1975) and such practices must not be allowed. "[o]ne does not have to await the consummation of threatened injury to obtain preventative relief,' *Farmer v Brennan*, 511 U.S. 825, 827 (1994).

While the right to drive is not a fundamental right or privilege (subject to strict scrutiny, citations omitted) any driver who is stopped or detained for any cause is still in entitled to the full fundamental substantive and procedural safeguards offered by the 14th

Amendment Due Process clause of the United States Constitution and the Constitution of the State of Michigan, U.S. Const Am V, XIV; Const 1963, Art 1, Sec 17; (especially if they are engaged in interstate commerce, citations omitted).

The Fourteenth Amendment requires due process of law for the deprivation of "liberty," just as for deprivation of "life," and there cannot constitutionally be a difference in the quality of the process based merely upon a supposed difference in the sanction involved. *Gideon v Wainwright*, 372 US 335, 350 (1963). "[T]he full scope of the liberty guaranteed by the Due Process Clause ... is not a series of isolated points It is a rational continuum which, broadly speaking, includes a freedom from all substantial arbitrary impositions and purposeless restraints

••• .1 Justice Souter, concurring *Albright v Oliver*, 510 US 266, 288 (1994).

Even if the charges against Mr. Patterson are dropped this case is ripe for appellate review until the State of Michigan Legislative and Executive Branch pass legislation to set forth a permissible standard in regard to permissible active levels of THC for a driver.

CONCLUSION & REQUEST

Based on the above Defendant challenges the issue of impairment. Defendant respectfully request that the Complaining Witness offer actual documented medical proof he suffered broken bones on September 17, 2024 and that such injuries were not from a prior preexisting injury which occurred in May, of 2024 or any other date. Defendant request any and all driving or other accident records from the year 2024 in which the Complaining Witness was involved (police video indicates that the Complaining Witness was in a wreck in May 2024).

Defendant also request copies of any and all documents for claims Mr. Conaway has filed in any civil action or with any insurance company. Defendant also maintains that Mr. Conaway was the sole cause of the accident and will assert such at trial.

Lastly and of most import Defendant respectfully request that this Court dismiss this case with prejudice by finding that he was not impaired under MCT, 257.625(5)(a), OWT causing serious impairment of a bodily function. The level of active THC in Defendants blood was 4.6 ng/ml which would equate to a BAC of less than 0.03%. Furthermore as noted supra, the testimony of MSP Trooper Joshua Leddy who conducted the impairment field test, concluded that Defendant and was not impaired.

Respectfully Submitted,

Daniel Willman
OFFICE OF THE JACKSON COUNTY
PUBLIC DEFENDER
Daniel C. Willman (P55867)
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Proof of Service

The below signed attorney here by certifies that a copy of this document was served upon the attorneys of record for all parties to the above cause by filing said document with the Clerk of the Court and/or by providing the document to opposing counsel in a manner as established by agreement between the Office of the Jackson County Public Defender and the Office of the Jackson County Prosecutor. I declare under penalty of perjury that the statement above is true to the best of my information and belief.

Date: 02.25.2025

Daniel C. Willman (P55867)
Attorney for Defendant

134a

EXHIBIT #1

STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
FORENSIC SCIENCE DIVISION
Lansing Forensic Laboratory
7320 N. Canal Road
Lansing, MI 48913
(517) 284-3491
FAX (517) 636-4468

Laboratory No. : TX24-14380
Delivered By : Hand Delivery
Agency : Jackson Police Department
216 E. Washington
Jackson, MI 49201
Incident Number : 497-26500-24

Record No. : 1
Date Received : September 26, 2024
Time Received : 9:27 a.m.
File Class : 5400-2
Date Completed : October 1, 2024

Subject:

Patterson, Ricky

Evidence Received:

Container #1 1-Sealed Michigan State Police
Speciman kit containing:

Item #1 1- 10 mL grey top tube with
approx. 9 mL blood

Item #2 1 – 10 mL grey top tube with
approx. 9 mL blood

Results of Analysis:

Item # 1:

Not Detected: Alcohol

Additional examinations will be conducted on the submitted specimens. Results of those examinations will follow at a later date.

Item # 2:

This item was not analyzed.

Evidence was analyzed for alcohol analysis by GC 19-1 and GC 19-2.

The protocol used in this analysis was TX-PM 2.1 Determination of Ethanol (Ethyl Alcohol).

The interpretation of the date and authorization of the results was performed by the undersigned forensic analyst. Other staff members may have performed laboratory activities concerning evidence associated with this report. For a complete listing of all staff members who performed laboratory activities in this case, please contact the laboratory via the telephone number above.

Results confirmed by gas chromatography.

This report contains the conclusions, opinions and/or interpretations of the laboratory

analyst whose signature appears on this report. This analyst is qualified by education, training, and experience to perform this analysis and does so as part of his or her regular duties. The analysis was conducted in an MSP Laboratory accredited to the ISO 17025:2017 standard and AR 3125 supplemental standard for testing laboratories by ANAB since March 3, 2021.

The relevant supporting data upon which the expert opinion or inference was made are available for review/inspection.

IMPORTANT: The specimen(s) will be held for 2 years after date received and then be discarded.

/s/ Mark D. Vandervest
Mark Vandervest
Forensic Scientist
Toxicology Unit
email: vandervestm@michigan.gov

October 1, 2024

137a

EXHIBIT #2

STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
FORENSIC SCIENCE DIVISION
Lansing Forensic Laboratory
7320 N. Canal Road
Lansing, MI 48913
(517) 284-3491
FAX (517) 636-4468

Laboratory No. : TX24-14380
Delivered By : Hand Delivery
Agency : Jackson Police Department
216 E. Washington
Jackson, MI 49201
Incident Number : 497-26500-24

Record No. : 2
Date Received : September 26, 2024
Time Received : 9:27 a.m.
File Class : 5400-2
Date Completed : October 2, 2024

Subject:

Patterson, Ricky

Evidence Received:

Container #1 1-Sealed Michigan State Police
Speciman kit containing:

Item #1 1- 10 mL grey top tube with approx.
9 mL blood

Item #2 1 – 10 mL grey top tube with approx. 9 mL blood

Results of Analysis:

Item # 1:

Detected:

Delta-9 THC 4.6 ng/mL

Delta-9 Carboxy THC 18 ng/mL

This item was analyzed for a preliminary drug screen by LC-MS/MS 18.1.

The protocol used in this analysis was TX-PM 3.1 Preliminary Drug Screening by LC-MS/MS (blood).

The scope of analysis for preliminary drug screening can be found here:

<http://msp.qualtraxcloud.com/ShowDocument.aspx?ID=32665>

This item was analyzed for a cannabinoid confirmatory analysis by LC-MS/MS 21-1.

The protocol used in this analysis was TX-PM 4.3.2 LC – Cannabinoid Confirmation in Blood.

Protocols and validations can be found here:

<https://www.michigan.gov/msp/divisions/forensic-science/policies-procedures>

Other toxicology reports associated with this evidence may be pending.

Please contact this laboratory for information regarding additional examinations or if further testing is required.

Evidence not listed in this Results of Analysis section was not analyzed at this time.

Instrumental output and date, library match for spectra data, calibrator and control data are case specific and may not be applicable in every case.

This report contains the conclusions, opinions and/or interpretations of the laboratory analyst whose signature appears on this report. This analyst is qualified by education, training, and experience to perform this analysis and does so as part of his or her regular duties. The analysis was conducted in an MSP Laboratory accredited to the ISO 17025:2017 standard and AR 3125 supplemental standard for testing laboratories by ANAB since March 3, 2021.

IMPORTANT: The specimen(s) will be held for 2 years after date received and then be discarded.

/s/ Mallory Rumzek
Forensic Scientist
Toxicology Unit
email: rumzekm1@michigan.gov

EXHIBIT #3

STATE OF MICHIGAN
12th DISTRICT COURT FOR THE
COUNTY OF JACKSON

People of the State Of Michigan,
Plaintiff

File: 2405111FD

V

Ricky Darnall Patterson,
Defendant

PROBABLE CAUSE HEARING
VOL 1 of 2
BEFORE THE HONORABLE MICHAEL J
KLAEREN, DISTRICT COURT JUDGE

Jackson, Michigan – Wednesday October 30,
2024

APPEARANCES:

For the People:
Virginia Miller. P 85550
Assistant Prosecutor
312 South Jackson Street
Jackson, MI 49201
Phone: (517) 788-4283

For the Defense:
Daniel C. Willman P 55867
505 South Jackson Street

Jackson, MI 49203
Phone (517) 768-6883

Record & Transcribed By:
Shellie R. Sanders CER 7667
Certified Court Recorder
Phone: (517) 788-4260
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Witnesses for the Defense

None

Exhibits: Marked Admitted

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Jackson, MI
Wednesday October 30, 2024 10:57 a.m.,

THE COURT: I'm going to call the case of the People of the State of Michigan versus Patterson, 2405111FD, it's an operating while intox -- intoxicated causing serious injury. Are the People ready to proceed?

MS. MILLER: Yes, your Honor.

THE COURT: Is the Defense ready to proceed?

MR. WILLMAN: Yes, your Honor.

THE COURT: Do you want to call your first witness?

MS. MILLER: Thank you. The People call Paul Conaway.

THE COURT: Okay. Hi, do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

MR. CONAWY: Yes, sir.

THE COURT: Have a seat. State your full name for the record, spelling your last.

THE WITNESS: Paul Conaway, C-o-n-a-w-a-y Jr.

THE COURT: Okay, go ahead.

MS. MILLER: Thank you, your Honor.

PAUL CONAWAY JR.

(At 10:58 a.m., sworn as a witness, testified as follows)

DIRECT EXAMINATION

By Ms. Miller:

Q. Mr. Conaway, I'd like to bring your attention to the night of September 17th of this year, did you at some point travel through the area of Third Street and Franklin Street?

A. Yes, ma'am.

Q. Okay. And what happened?

A. I was coming up Third Street, had just come off of Franklin so we're heading west on Franklin Street and a vehicle crossed over Third right in my path and I collided with the passenger side.

Q. Okay. And would -- did you have any stop signs as you were approaching that area?

A. No.

Q. Okay. Was it, did the other vehicle, or the vehicle that you ran into have a stop sign?

A. Yes.

Q. Okay, okay. So you observed them run the stop sign?

A. Yeah.

Q. Okay. And so what happened after the collision?

A. As they come the stop sign I see them just out of my eye and by that time it was too late to react or do anything. I made contact with the passenger side, and the next thing I know I'm staring at the sky in a lot of pain.

Q. Okay. Did you I guess where did your body go after the collision? Did it go over the car, did it just hit the ground?

A. I'm not even sure how myself flew.

Q. Okay.

A. I just know I ended up on the ground.

Q. Okay. And did the police respond?

A. Yes.

Q. Were you taken to the hospital at some

A. Yes, ma'am.

Q. And how long was your hospital stay?

A. Little over, almost forty eight hours.

Q. Okay.

A. About a day and a half.

Q. Okay. And did you have injuries from this incident?

A. Yes.

Q. What were your injuries?

A. My shoulder, left shoulder is in seven pieces. I had three broken ribs, one cracked rib and damage to my urethra. Which resulted in me having to wear a catheter for ten days.

Q. Okay. Did you have any kind of internal bleeding or anything?

A. Just in my groin area?

Q. Okay, okay. And are you still recovering from these injuries?

A. Yes, ma'am.

Q. And how has your recovery been going?

A. Slow, I start physical therapy on the fourth, next week. So I'm just now starting therapy.

Q. Okay. I guess has this impacted your employment at all?

A. Yeah, at this point I cannot work, can't enjoy a lot of hobbies. So, I have no income at this point, so.

MS. MILLER: Okay, all right no further questions, your Honor.

THE COURT: Cross exam?

MR. WILLMAN: Yes, your honor.

CROSS EXAMINATION

BY MR. WILLMAN:

Q: All right. Sir, before this all happened what kind of work were you employed in?

A: I work at Eagle Power Coating

Q: Eagle Powder Coating.

A: Over on High Street.

Q. And you're not able to do your job now because of that?

A. No, because I have limited mobility on my left arm.

Q. Okay. Did you have crash bars on your bike at all?

A. No.

Q. Okay. Now when you dropped your bike, did you drop it, it looks like, I did see a picture, the defendant showed me did you dump your bike or did you head on? Because it looks like from -- from the impact, it looks like to me like you dumped?

A. I caught the vehicle just behind the front tire on the passenger side.

Q. Okay. But you were able to like dump it, right?

A. I'm not even sure, once we made contact it was so fast I just know I was on the ground.

Q. Did you have injuries to your legs?

A. Just bruises and scrapes.

Q. All right. So you weren't dragged?

A. Not that I'm aware of.

Q. And you drove yourself here?

A. Yes.

Q. Okay. Have you rode your bike since then?

A. The bike is totaled.

Q. Okay. What kind of exhaust did you have on your bike, did you have like a Heinz on it, what kind of?

A. I had two and a half in drag pipes.

Q. Okay.

A. So they were fairly loud.

Q. So it's a loud bike?

A. Yeah, very loud.

Q. So somebody would have hear, have heard you coming if you're coming around the corner there obviously?

A. Yes.

Q. A Harley is pretty loud?

A. Yes.

Q. It's a 93 Super Glide or Street Glide?

A. 93 Sportster 1200.

Q. Oh it was a Sportster. Oh, they put in Street Glide. All right, big difference.

A. Yep.

Q. But anyway so, so on the bike you didn't -- you didn't have the bars, you had the loud pipes, you were only in the hospital for forty eight hours, correct?

A. Yeah, just a little over.

Q. Okay. You drove yourself here, correct?

A. Yep, yes.

Q. Did any, now I saw in the police report that you had a pair of brass knuckles that you turned over to the police at the accident scene?

MS MILLER: Your honor, I would object to relevance, I don't understand the relevance of any brass knuckles.

MR WILLMAN: I want to know if he was issued a ticket for that.

THE COURT: Well I --

MR. WILLMAN: Judge, I've been in this Court and have had clients charged with that, for having brass knuckles.

THE COURT: I understand that, but charging or failure, or failure to charging is a prosecutorial decision, it's a multi-faceted decision.

MR. WILLMAN: Okay.

THE COURT: So I'll sustain that.

MS. MILLER: Okay.

BY MR. WILLMAN:

Q. Do you know if your blood alcohol content was even taken? Did you submit to any blood testing?

A. I have no idea.

Q. You have no idea. What hospital were you taken to?

A. Foote Hospital.

Q. What Flint?

A. Henry Ford Allegiance.

Q. Henry Ford.

THE COURT: You've been here a long time, right?

THE WITNESS: Yeah.

THE COURT: Okay. I still call it Foote on occasion.

THE WITNESS: I do too.

BY MR. WILLMAN:

Q. And what kind of care did you receive there?

A. They gave me a catheter for abrasions on my urethra, and then just immobilizer for my arm.

Q. Okay. Now did you see the car before you hit it?

A. I only caught it at the last second as it was coming through the stop sign.

Q. So if you caught him as he was coming through the stop sign and your bike is pretty loud you don't think he should have heard you, or?

A. Most everybody else hears me. I mean it's a -- it's quite a loud bike.

Q. How fast were you going?

A. I was only doing the speed limit. I had just turned off of Franklin so I was just in the process of picking up speed.

Q. So what is the speed on Franklin, do you know?

A. I believe its twenty five down through there I believe.

Q. Okay. So, you weren't going even twenty-five when this happened?

(No verbal response).

MR. WILLMAN: I have no further questions, your Honor.

THE COURT: Okay. Any redirect?

MS. MILLER: Yes, your Honor.

RE-DIRECT EXAMINATION

BY MS. MILLER:

Q. Did you see the driver of the vehicle at all?

A. No.

Q. Okay. Did you ever speak with him?

A. No.

Q.Okay. And then the, you were traveling on Third, and –

A.I was on Franklin.

Q.--I'm sorry traveling on Franklin and what --what city is that in?

A.Here in Jackson, County of Jackson.

Q.And is that in the County of Jackson?

A.Yep.

MS. MILLER: Okay. Nothing further, your Honor.

MR. WILLMAN: None, none your Honor.

THE COURT: Okay, thank you for coming in. You go about your day or in the alternative you can remain in courtroom and watch the remainder of the proceedings.

THE WITNESS: Okay.

THE COURT: Your choice. Next witness.

(At 11:05 a.m., witness excused)

MS. MILLER: Thank you, the People call Officer Tenney.

THE COURT: Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

OFFICER TENNEY: I swear.

THE COURT: Have a seat. State your full name for the record, spelling your last.

THE WITNESS: Jason Tenney, last name T-e-n-n-e-y.

THE COURT: Thank you, go ahead.

MS. MILLER: Thank you, your Honor.

OFFICER JASON TENNEY

(At 11:06 a.m., sworn as a witness, testified as follows)

DIRECT EXAMINATION

BY MS. MILLER:

Q. Officer Tenney, where do you work?

A. City of Jackson Police Department.

Q. And how long have you worked there?

A. I've worked there for about six months now.

Q. Were you on duty September 17th of -- of this year?

A. Correct.

Q. And did you respond to the area of Third and Franklin Street?

A. Yes.

Q. And is that in the County of Jackson?

A. Yes.

Q. And why did you respond to that area?

A. We were originally called out there for a PI, a motorcycle versus car, and for accident on Third Street.

Q. Okay. So when you responded what did you observe?

A. When I first got on scene I observed the motorcycle laying in the middle of the intersection. The victim who was driving the motorcycle was lying next to it, and then a Jeep pulled off on north of West Franklin and Third Street with two males and a female.

Q. Okay. Were they inside the vehicle?

A. No, they were standing outside the vehicle.

Q. Okay. Did you deter -- determine who the driver was of that Jeep?

A. Yes.

Q. And who was that?

A. Ricky Patterson.

Q. Do you see him in the courtroom today?

A. Yes. He's wearing the black t-shirt.

THE COURT: Mr. Patterson's been identified.

MS. MILLER: Thank you, your Honor.

(At 11:07 a.m., witness identified the defendant)

BY MS. MILLER:

Q. So what observations did you make as to the defendant?

A. I asked who was driving the vehicle and he admitted that he was the one driving the vehicle.

Q. Okay. Was there any, what kind of behavior was he displaying at that point?

A. He was calm, he had a calm demeanor. But when I asked for his driver's license, registration, proof of insurance he opened his driver's side door and I could smell burnt marijuana coming from the vehicle.

Q. Okay. Did you see any evidence of marijuana inside the vehicle?

A. Mr. Patterson did have red glossy eyes, but I did not see any marijuana in vehicle, no.

Q. Okay. No marijuana cigarettes or anything?

A. No.

Q. Okay. Did you ask him about the odor?

A. Yes.

Q. What was

A. He – he said that his – that he smoked in the past, but he denied smoking during the day, but he did admit to his friends that were with him the male and female smoked in the vehicle while he was in the vehicle.

Q. Okay. Did he show any signs of impairment of marijuana?

A. For, during the SFST's is that –

Q. Just in general as you're interacting with him?

A. Just like a calm demeanor I would just say that was just pretty much other than that.

Q. Okay. So he wasn't speaking slowly or?

A. I could, yeah you could, I could say that he was slowly speaking. We didn't ask too many questions. Because of the accident, the traffic crash.

Q. Did he appear lethargic at all?

A. No.

Q. Okay. So did you administer field sobriety tests?

A. Correct.

Q. Okay. And which, which test did you administer?

A. So I did the Horizontal Gaze Nystagmus, the Walk and Turn and the One Legged Stand.

Q. Okay. What are the standardized field sobriety tests?

A. They determine whether a person is intoxicated or under the influence.

Q. Okay. And how do they work?

A. So you do, there's three different tests, and each test have a set of clues that you perform and then determines if they show any signs of those clues.

Q. Okay. So you said you did HGN, walk and turn, and one leg stand?

A. Correct.

Q. Okay.

A. Which one did you conduct first? The Horizontal Gaze Nystagmus.

Q. Okay. Did you read him the instructions for the Horizontal Gaze Nystagmus?

A. I've read them off of verbatim, like not off of a card.

Q. Okay. Just so just from your memory?

A. Correct.

Q. And did it appear that he understood the instructions?

A. Yes.

Q. Can you describe his performance?

A. I noticed in both eyes left and the right eye he had maximum deviation nystagmus.

Q. Okay. Was there any, how many clues, possible clues are there for HGN?

A. Six.

Q. Okay. And how many did he show?

A. Two.

Q. Okay. How many are required to validate?

A. Four.

Q. Okay. So he did not validate that he was intoxicated for the HGN test?

A. Correct.

Q. Do you know HGN, is it used specifically for any type of intoxicant?

A. I'm sorry what was that?

Q. Is there a specific intoxicant or substance that it – that it specifically tests for?

A. For, I know for in training it's for alcohol.

Q. Okay. And that's based on your training?

A. Correct.

Q. Okay. And then there was, you did the walk and turn next?

A. Correct.

Q. And did you read him the instructions for the walk and turn?

A. Correct.

Q. And was that based off of your memory as well?

A. Yes.

Q. And did it appear that he understood those instructions?

A. Yep.

Q. And what was his?

A. He had so, six out of the eight clues for the walk and turn. He stopped walking to correct his, to catch his balance, incorrect, incorrect amount of steps, he did the turn incorrectly, he missed heel to toe. And the other two I'm forgetting at this moment, but if there is a way I can look at my report for the other two.

Q. To refresh your memory?

A. Yes, please.

Q. You can do that.

THE COURT: Once you've refreshed put the report down, say nothing and she'll ask you another question.

THE WITNESS: Okay.

MR. WILLMAN: Can you tell me also what page you're looking at?

THE WITNESS: I'm looking at page one.

BY MS. MILLER:

Q. Okay. Have you refreshed your memory?

A. Yes.

Q. Okay. What were the other clues that he showed?

A. He used his arms to balance and stepped off the line.

Q. Okay. And how many clues are needed to validate the walk and turn for intoxication?

A. For the walk and turn it is two out of the eight.

Q. Okay. And he showed six clues?

A. Correct.

Q. Okay. And then you did the one leg stand next?

A. Correct.

Q. Did you read him the instructions for that?

A. Just from memory.

Q. Okay. And did it appear that he understood those instructions?

A. Yes.

Q. And can you describe his performance?

A. So that's, he showed three out of the four clues. He swayed while balancing, hopped, and used his arms to balance.

Q. Okay. And how many clues are required to validate for intoxication for the one leg stand?

A. Two.

Q. Okay. So after you administered the field sobriety tests what happened after that?

A. I, we had requested for a trooper to come do a ARIDE certified test, which I believe is in another report.

Q. Okay. And did you after the SFST's make any determination as to his level of intoxication?

A. We gave him, he consented to a PBT test which, yeah.

Q. What was the result of the PBT?

A. A 0.00.

Q. Okay. So after he blew zero's on the, for alcohol.

A. Mm-hmm.

Q. What was your thought after that?

A. Just with, from what I observed during the SFST's I believed he was still under the influence of possible drugs, so I him to, I took him under, I placed in custody and then took him to Henry Ford.

Q. Okay.

A. For a legal blood draw.

Q. Okay. And were the samples from the blood draw sent to the lab?

A. Yes.

Q. And have you had a chance to look at the results?

A. No.

Q. Okay.

MS. MILLER: Can I just pull those up for him real quick?

THE COURT: Yeah.

MS. MILLER: Did you write on the thing that I gave you?

MR. WILLMAN: Oh, oh.

MS. MILLER: The blood result?

MR. WILLMAN: No, but I did staple it, but you owe me a nickel or Lynn.

MS. MILLER: Thanks.

BY MS. MILLER:

Q. All right, so

MR. WILLMAN: Do you alcohol one? You can have them both.

MS. MILLER: Both of them.

BY MS. MILLER:

Q. I'm going to show you this document and can you tell me I guess what, what who it's assigned to or the subjects that was tested in that document?

A. The subject that was tested is Ricky Patterson.

Q. Okay. And can you tell me if whether it shows any results for any substances?

A. Correct. It says detected Delta Nine THC 4.6 NG/ML.

Q. Okay.

A. With Delta Nine Carboxy THC 18 NG/ML.

Q. Is that nanograms per milliliter?

A. Yes.

Q. And do you know which one would be the active THC?

A. No.

Q. Okay. Do you know which one is the metabolite?

A. Unfortunately, no.

Q. Okay. But it shows that there was some THC in his blood at that time?

A. Correct.

MS. MILLER: If I could have that admitted as Peoples exhibit one.

THE COURT: Any objections?

MR. WILLMAN: To the lab report, no.

THE COURT: Okay, we'll mark it as peoples one and admit it. Thank you.

(At 11:15 a.m., PX 1 marked and admitted)

MS. MILLER: I have no further questions at this time.

THE COURT: Cross exam?

MR. WILLMAN: Yes, your Honor.

CROSS EXAMINATION

BY MR. WILLMAN:

Q. Your Honor -- officer did you already look at the lab report also on the alcohol?

A. No, I didn't.

MR. WILLMAN: Can I approach your Honor.

THE COURT: Yes.

MR. WILLMAN: Thank you.

THE WITNESS: Thank you.

BY MR. WILLMAN:

Q. And you did give him a PBT at the scene, and at some -- from a blood draw he did consent to a chemical withdraw, correct?

A. Correct.

Q. And what is, and according to that report, lab result was there alcohol found in his system at all?

A. Yeah, no there was no –

Q. No alcohol.

A. No alcohol detected.

Q. Okay. And you aren't able to testify about the level of THC, correct?

A. Correct.

Q. You're not a scientist, obviously?

A. Correct.

Q. We needed somebody more into that?

A. Right.

Q. He consented to his chemical rights, correct?

A. Correct.

Q. Did you have body cam on you at that time?

A. Correct.

Q. Did you turn that body cam in, because I don't believe either one of us, do you have it?

MS. MILLER: Yeah we have it.

MR. WILLMAN: Oh. I did not receive body cam in this particular case for the record.

BY MR. WILLMAN:

Q. Did you take photos?

A. Yes, at the scene.

Q. Okay. I don't have those additionally. Now what is the speed limit on Third and Franklin, what's the rate that the motorcycle was approaching, the speed limit is twenty five though?

A. I believe it's thirty five.

Q. It's thirty five, okay. And there's a stop sign though on Franklin?

A. No, there's a stop sign on Third.

Q. There's a stop sign on Third?

A. Yeah.

Q. Did you look to see if there was any other cameras in the area that could've caught the accident occurring?

A. No, sir.

Q Okay. Did anybody else do that?

A. Not to my knowledge, no.

Q Okay. Now at the time of the accident, in your report if you need to refresh your memory with it, it says that the victim was being disorderly you wrote in there?

A. The victim was being disorderly?

Q. Yeah, that's what you wrote. That's what it says.

A. Do you mind if I look at it and refresh my memory?

Q. Yeah, yeah.

A. Okay. Did you want this piece of paper?

THE COURT: No.

MR. WILLMAN: Your Honor, I would move to have it admitted as Peoples –

THE COURT: A

MR. WILLMAN: -- Defendants' exhibit.

THE COURT: -- defendant's exhibit A, any objection?

MS. MILLER: No objection, your Honor.

THE COURT: Okay, admitted.

(At 11:18 a.m., DX A admitted)

MR. WILLMAN: It's going to be on page two of your report.

BY MR. WILLMAN:

Q. I see there was a G Global?

A. Yeah, that's another officer.

Q. Okay.

A. That's his supplement report.

Q. Did you review his supplement report?

A. No, I did not.

Q. Do you have it in front of you or no?

A. No, I do not.

Q. Okay. But if he was to say that the victim was disorderly, would you dispute that?

A. No he was, when we arrived on scene he was definitely screaming because I believe he was in pain, but.

Q. Okay, he was screaming. Now has -- has the victim here submitted, you know Mr. -- the accident victim here I should know the name off hand, did he submit any accident reports to yourself at all? Do you have any medical reports?

A. No, I didn't receive any medical reports.

Q. Okay, so none have been added on, none have been turned over to the prosecution to your knowledge?

A. To my knowledge, yes. I know like I said Office Goble had a supplement report but I have not reviewed it.

Q. Okay. His bike was a 1993 Harley 1200 Sportster we heard, which is a bit of a smaller bike, for a Harley.

A. Okay.

Q. But it was loud, and it didn't have crash bars on it. Did you take pictures of the bike at all?

A. Correct.

Q. Okay, you did. You also heard the victim testify that he drove here himself?

A. Correct.

Q. Did you ever follow up and visit him at the hospital at all?

A. Officer, I do believe Officer Goble drove up there and that's why he has a supplement report.

Q. Okay.

A. He was the one who followed up.

Q. Did you at the scene think that the victim was suffering life threatening injuries?

A. At the scene I, he like I said he was very verbal laying on the ground we had JCA there within –

Q. He was alert and he could communicate?

A. Correct.

Q. Okay. Now in regards to my client you said he had a calm demeanor, correct?

A. Correct.

Q. And he didn't pass, necessarily pass the field test for walking?

A. Correct.

Q. But he passed the other tests, correct?

A. Correct.

Q. All right. And like I said you know we don't know THC we know stays in the system for quite a long time, stays in for at least thirty days, correct?

A. Correct.

Q. So you have no idea whether he smoking that day or not, he told you he wasn't, correct?

A. Correct.

MR. WILLMAN: All right, I have no further questions, your Honor.

THE COURT: Redirect.

MS. MILLER: Nothing further of this witness.

THE COURT: Okay, thank you.

THE WITNESS: Thank you.

(At 11:20 a.m., witness excused)

THE COURT: Any further proofs?

MS. MILLER: Yes I have another officer.

THE COURT: Okay.

MS. MILLER: Your Honor, the People call Trooper Leddy.

THE COURT: Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

TROOPER LEDDY: Yes, sir.

THE COURT: Have a seat. State your full name for the record, spelling your last.

THE WITNESS: Trooper Joshua Leddy, L-e-d-d-y.

THE COURT: Go ahead.

MS. MILLER: Thank you, your Honor.

TROOPER JOSHUA LEDDY

(At 11:22 a.m., sworn as a witness, testified as follows)

DIRECT EXAMINATION

BY MS. MILLER:

Q. Trooper Leddy, where do you work?

A. Michigan State Police.

Q. And at the time of this incident were you assigned to the Jackson Post?

A. Yes, ma' am.

Q. How long have you worked for MSP?

A. Five years.

Q. And were on duty September 17th of this year?

A. I was.

Q. Did you respond to the area of Third Street and Franklin Street?

A. Yes, ma'am.

Q. And is that in the County of Jackson?

A. Correct.

Q. Why were you dispatched there?

A. Jackson County dispatch advised that they city police were out on a crash, I believe it was a car verse motorcycle crash and they were requesting a ARIDE officer.

Q. Okay. And are you – are you ARIDE certified?

A. Yes, ma'am.

Q. Okay. So when you arrived on scene what did you observe?

A. When I arrived on scene there was a lot of people on scene I remember the motorcycle in the middle of the intersection and a passenger car on the street to the right of it. And then I was contacted by the city officers and showed me where the driver was of the car, they advised me that they had ran through sobriety's, and I don't remember the exact verbiage but basically said he did poorly on them. And then asked if I would run him through the ARIDE test.

Q. Okay. And who was the, that person?

A. The driver?

Q. Yes.

A. Ricky Patterson.

Q. Okay. Do you see him in the courtroom today?

A. Yes, ma'am.

Q. Where?

A. Over here to my left.

Q. Okay, can you just describe what he's wearing?

A. Black t-shirt and black pants on.

THE COURT: Defendants been identified.

(At 11:24 a.m., witness identified the defendant)

BY MS. MILLER:

Q. So what is ARIDE?

A. ARIDE is advance roadside impairment enforcement.

Q. Okay. And how did the test work?

A. So there are two addition test to the standard field sobriety test, they -- there my understanding is they are more focused on to see if the subject is under the influence of drugs.

Q. Okay. Rather than just alcohol?

A. Correct.

Q. And are there clues with tests like there are with the standardized field sobriety test?

A. There are, yes ma'am.

Q. Okay. What are these additional two test called?

A. The one it the Modified Romberg, and the other one is the Lack of Convergence.

Q. Okay. And what, I guess we'll start with the Modified Romberg, how does that test work, what are the instructions?

A. So Modified Romberg you have the subject stand with the feet and hands down at their sides, and you have them close their eyes tip their head back and you have them estimate thirty seconds in their head. Tell them once thirty seconds has passed they raise their head up open their eyes and say done.

Q. Okay.

A. While conducting that test as the officer you looking to see if there's any eye tremors, body tremors, if they are kind of swaying or losing balance.

Q. Okay. So did you conduct this test for the defendant?

A. I did yes ma'am.

Q. And you gave him the instructions?

A. Correct.

Q. And did –

A. And before I do the test I let them know that I'm going to demonstrate them.

Q. Okay. So you demonstrated them as well?

A. Yes, ma'am.

Q. And did it appear he understood what to do?

A. He did.

Q. And can you just describe his performance on the Modified Romberg?

A. When I was conducting the test, I didn't see any clues to indicate that he was under the influence of anything.

Q. Okay. There supposed to indicate to you when they believe thirty seconds has been up?

A. Correct.

Q. Okay. And do you recall about when he made that indication to you?

A. I do not.

Q. Okay. And then what's the other test?

A. And the other one the Lack of Convergence. So it's, and again before I do the test I demonstrate it for them. But this one you

have them stand with their feet together hands down at their sides and then you have them focus on the tip of your finger or pen or whatever stimulus your using and tell them to follow the stimulus with their eyes and their eyes only not to move their head, you make two circles around their face and you tell them you're going to come in real close to their nose its going to look like you're going to touch them, but you're not actually going to touch them and your looking to see if once their eyes kind of come in if any of theirs kind of like bounce out or do any abnormal movement than what your normal eyes would do.

Q. Okay. And did give the instructions and demonstrate for the defendant?

A. I did, yes ma'am.

Q. Did it appear he understood?

A. He did.

Q. Okay. And what was his performance?

A. On that test as well I did not see any eye movements, bouncing out or anything –

Q. Okay.

A. to indicate he was under the influence.

Q. So no clues for that?

A. No, ma'am.

MS. MILLER: Okay, I have nothing further for this witness your Honor.

THE COURT: Okay. Go ahead, cross examination.

CROSS EXAMINATION

BY MR. WILLMAN:

Q. Yes, I'm pretty sure I don't have any police reports from you, did you issue a report in this case?

A. I did not do a report on this sir, I was on patrol.

Q. Okay.

A. And I just documented it on our daily.

Q. Okay. So how do you spell your last name?

A. It's Leddy, it's L-e-d-d-y.

Q. Okay. And did you have any body cam?

A. I did have body cam, yes sir.

Q. Did you preserve for this case?

A. Yes sir, it's uploaded to our watch guard system.

Q. Did you have it regards to the test that you gave to my client?

A. Yes, sir.

Q. Okay. But you said that he, when you did the head test he was fine with that, correct?

A. Correct.

Q. And when you did the Lack of Convergence, finger in the face he was fine with that also?

A. Correct.

Q. And I actually kind of find this, this is the first time I've heard about this particular test, do a lot of times though, you know you put a finger in somebody's face do a lot times people flinch anyway, no?

A. I wouldn't say they flinch, but they sometimes get nervous because

Q. Okay.

A. – it does look like you're going to touch their nose.

Q. Okay, all right. But this didn't happen, he was very calm during all of this?

A. Correct.

Q. Okay. Did you have any interactions with the victim in the case, the person that wiped out?

A. I did not.

MR WILLMAN: I have no further questions
your Honor.

THE COURT: Redirect?

MS. MILLER: Nothing further, your Honor.

THE COURT: Thank you trooper, you're free
to go.

THE WITNESS: Thank you, sir.

THE COURT: Appreciate you coming in.

THE WITNESS: Thank you, sir.

(At 11:29 a.m., witness excused)

THE COURT: Any further witnesses?

MS. MILLER: No, your Honor.

THE COURT: Any witness by the

MR. WILLMAN: I call Mary Ellen Hayes, I'm
just joking.

THE COURT: Okay, no witness's. Motion to
bind over.

THE COURT: No, what i'm going to do
is I'm—I'm going to have both of you brief the
issue of serious impairment of body function.
In terms of the impairment I realistically
don't need to have a clear understanding of
whether active THC is enough or not in this

type of charge. I have testimony that the defendant blue a stop sign in what appears to be a low-speed area. In fact the victim indicated that on Franklin, not on Third that is was twenty five miles an hour. And so there's Testimony that there was a stop sign on 3rd and if it's a slow go there there's just really no reason that stop sign wasn't seen. So that is of concern in terms of why he didn't see it.

He appeared to have red glossy eyes, with a bit of urging vis-à-vis the question he was speaking slowly, HGN was negative based on what I've heard over the years that doesn't even apply to a marijuana situation. Six out of eight clues and the walk in turn, which is a physical dexterity test, he was positive for that he only needed to flunk two to be positive and he flunked six, one legged stand two were required and he had three out of four clues. There's marijuana emanating from his vehicle and although his two passengers were partaking although Mr. Patterson's self-report His dad he did not partake. And once again no one has to perhaps look at that closely. And as I indicated before if I didn't he had an active THC.

So I-I think there's clearly from preliminary exam standpoint yeah he was under the influence of marijuana, but the bigger issue is whether the prosecutor has established serious impairment of a body function and I do have real questions about that.

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Certification

I Certified that this transcript, consisting of 45 pages, is it complete, true, and correct transcript of the probable cause hearing held in the matter of the People of the State of Michigan versus Ricky Darnell Patterson, October 30, 2024.

Date: December 29, 2024

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