

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GAYLE MARTIN RYERSON,

Defendant-Appellant.

UNPUBLISHED

March 28, 1997

No. 189522

Genesee Circuit Court

LC No. 94-051208-FH

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Defendant pleaded nolo contendere to operating a motor vehicle while under the influence of intoxicating liquor causing death, MCL 257.625(4); MSA 9.2325, and was sentenced to 3-1/2 to 15 years' imprisonment. Defendant appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's motion to suppress the blood alcohol test results was properly denied because a proper foundation had been laid for introduction of the evidence. The hospital worker's testimony ensured the reliability of the blood sample taken and sufficiently connected the sample with defendant. Further, the worker followed hospital protocol in taking the sample. Therefore, the purposes of the relevant statutes were served despite the fact that no physician directly oversaw or participated in the taking of defendant's blood. See MCL 257.625a(6)(a), (c) and (e); 9.2325(1)(6)(a), (c) and (e); MCL 333.16109(2); MSA 14.15(16109)(2); MCL 333.16215(1); MSA 14.15(16215)(1); *People v Cords*, 75 Mich App 415, 427-428; 254 NW2d 911 (1977).

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

The district court did not abuse its discretion in binding defendant over on an alternative charge of manslaughter with a motor vehicle, MCL 750.321; MSA 28.553. The district court determined that even if the blood alcohol test results were determined to be inadmissible, gross negligence was established by defendant's conduct of driving on a dark night in an unlighted area around a curve at 60 miles per hour, crossing the center line of the road, and making a sharp 90-degree turn for no apparent reason directly into another vehicle, as well as the fact that the smell of alcohol was detected in defendant's vehicle.

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar