

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HENRY CLARK,

Defendant-Appellant.

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UNPUBLISHED

August 6, 2002

No. 231241

Wayne Circuit Court

LC No. 00-002831

Before: Murray, P.J., and Sawyer and Zahra, JJ.

MEMORANDUM.

Defendant appeals as of right his conviction of operating a vehicle under the influence of intoxicating liquor causing death, MCL 257.625(4), entered after a bench trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that his conviction of OUIL causing death violates his constitutional right to due process. We disagree and affirm. The elements of that offense are: (1) the defendant operated a motor vehicle while intoxicated; (2) the defendant voluntarily decided to drive knowing that he had consumed alcohol and might be intoxicated; and (3) the defendant's intoxication was a substantial cause of the victim's death. The offense requires a general intent to have operated a vehicle while intoxicated. *People v Lardie*, 452 Mich 231, 256; 551 NW2d 656 (1996). The statute does not offend due process. *Id.*, 265-266. We are bound by stare decisis to follow the decisions of our Supreme Court. *People v Hall*, \_\_\_ Mich App \_\_\_; \_\_\_ NW2d \_\_\_ (Docket No. 223182; pub'd January 18, 2002 at 9:00 a.m.), slip op at 5.

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Brian K. Zahra