

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of HAROLD EUGENE ROSS, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

HAROLD EUGENE ROSS,

Respondent-Appellant.

UNPUBLISHED

September 13, 2002

No. 227463

Wayne Circuit Court

Family Division

LC No. 96-339542

AFTER REMAND

Before: Hood, P.J., and Gage and Murray, JJ.

PER CURIAM.

Following a bench trial, respondent appealed by right his adjudications of guilty of negligent homicide, MCL 750.324, receiving and concealing stolen property worth at least \$1,000 but less than \$20,000, MCL 750.535(3)(a), motor vehicle felony, MCL 257.732, and violation of the curfew provision of Detroit City Code 33-3-1. We affirmed respondent's adjudication of guilty of curfew violation and reversed his adjudication of guilty of receiving and concealing stolen property worth at least \$1,000 but less than \$20,000.

With respect to the negligent homicide charge, however, the trial court failed to make specific factual findings regarding whether defendant drove the vehicle. Further, the trial court failed to explain its intended disposition with respect to the manslaughter charge. Therefore, we remanded this case to the trial court to make factual findings with respect to these charges. *In re Harold Eugene Ross*, unpublished opinion per curiam of the Court of Appeals, issued April 16, 2002 (Docket No. 227463). Having retained jurisdiction, this case is before us to review the trial court's findings.¹ We affirm.

¹ Apparently, at the commencement of trial, the prosecution stated its intent to proceed on only the manslaughter with a motor vehicle charge. During closing arguments, the prosecutor argued only that charge. The trial court, however, inexplicably adjudicated defendant guilty of negligent homicide and failed to address the manslaughter charge. This Court's opinion remanding this case to the trial court directed the court to state its findings of fact with regard to the negligent
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On remand, the trial court specifically found respondent operated the vehicle that caused the accident, which killed one minor victim and injured another. Based on evidence presented at trial, the court found that respondent drove at an immoderate speed, disregarding the expressed concern of the passengers in the vehicle. These findings clearly supported the conviction for negligent homicide.

Affirmed.

/s/ Harold Hood
/s/ Hilda R. Gage
/s/ Christopher M. Murray

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homicide charge and its disposition with respect to the manslaughter charge. However, the remand order addressed only the manslaughter charge. See *In re Harold Eugene Ross*, unpublished order of the Court of Appeals, entered April 16, 2002 (Docket No. 227463). On remand, the trial court attempted to adjudicate respondent guilty of manslaughter with a motor vehicle and dismiss the remaining charges. This has created some confusion with regard to what adjudication this Court should address. Because, on remand, the trial court made factual findings concerning respondent's identity as the driver of the vehicle, we will address the findings as they relate to the negligent homicide adjudication.