

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MEHO HUSEJNAGIC,

Defendant-Appellant.

UNPUBLISHED

March 18, 2004

No. 244547

Wayne Circuit Court

LC No. 02-000349-01

Before: Zahra, P.J., and Saad and Schuette, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction for OUIL causing death, MCL 257.625(4). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant challenges the sufficiency of the evidence. In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992). The standard of review is deferential: a reviewing court is required to draw all reasonable inferences and make credibility choices in support of the jury verdict. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

To support an OUIL causing death conviction, the prosecution must prove that (1) the defendant was operating his motor vehicle while intoxicated, (2) that he voluntarily decided to drive knowing that he was intoxicated, and (3) that the defendant's intoxicated driving was a substantial cause of the victim's death. *People v Lardie*, 452 Mich 231, 259-260; 551 NW2d 656 (1996). MCL 257.625(4) requires proof that the defendant had a general intent to drink and drive. It does not impose strict liability, but requires that the culpable mental state have a causal relationship with the harm it seeks to prevent. *Id.*, 267.

A reasonable juror could conclude that defendant's intoxicated driving was a substantial cause of the victim's death. Defendant had a high blood alcohol level. There was evidence that

he was speeding on an icy road. The medical evidence he presented refuted his defense that the accident was caused by a heart attack. There was sufficient evidence to support the conviction.

Affirmed.

/s/ Brian K. Zahra

/s/ Henry William Saad

/s/ Bill Schuette