

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

STEVEN PATRICK SIEBIGTEROTH,

Defendant-Appellee.

UNPUBLISHED

March 1, 2007

No. 265830

Oakland Circuit Court

LC No. 2005-202983-FH

Before: Meter, P.J., and O’Connell and Davis, JJ.

PER CURIAM.

Plaintiff appeals as of right from the circuit court’s order granting defendant’s motion to quash the information charging him with intentionally making a false report of a felony, MCL 750.411a(1)(b), and dismissing this case. We reverse and remand this case to the circuit court for further appropriate proceedings. This appeal is being decided without oral argument under MCR 7.214(E).

Plaintiff argues that the circuit court improperly quashed the information because the district court did not abuse its discretion in binding over defendant based on his having lied to the police about the theft of his car from a parking lot. We agree.

A circuit court’s decision with regard to quashing a district court’s bindover decision is not entitled to deference from this Court. *People v Hudson*, 241 Mich App 268, 276; 615 NW2d 784 (2000). This Court actually reviews whether the district court abused its discretion in binding over the defendant. *Id.* For a district court to properly bind over a defendant for trial, there must be evidence that a felony was committed and probable cause to believe that the defendant committed that felony. *Id.* at 277.

MCL 750.411a(1), the statutory provision defining the charged crime in this case, provides, in relevant part, that “a person who intentionally makes a false report of the commission of a crime . . . to a peace officer” is guilty of a crime. In *People v Chavis*, 468 Mich 84; 658 NW2d 469 (2003), our Supreme Court considered what constitutes “a false report of the commission of a crime” as that phrase is used in MCL 750.411a(1). *Chavis*, *supra* at 92.¹

¹ MCL 750.411a(1) was amended to its present form in the interval between the *Chavis* decision
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Critically, the Court held that MCL 750.411a(1) “is not limited to only those situations where no crime *has been committed*; it also applies where one reports false details about the crime.” *Id.* at 92-94 (emphasis in original).

While the circuit court recognized that *Chavis* was applicable authority, we believe that the circuit court erred in its effort to apply *Chavis* to this case. Particularly, the circuit court erred by viewing defendant as having only lied about how the relevant car came to be at the parking lot from which it was apparently stolen. However, according to the police officer’s testimony at the preliminary examination, defendant’s initial report of the theft of the vehicle reflected that he had personal knowledge that he had left the vehicle unlocked with the keys inside, thus strongly indicating that the theft was likely accomplished simply by the thief entering the car, starting it with the keys defendant had left in the car, and driving off. Later, the officer investigated a hit-and-run accident in which he believed the stolen car was involved. The officer re-interviewed defendant, who admitted that he had loaned the car to his brother, a convicted drunk driver who was not licensed to drive. Defendant acknowledged that his brother told him the car was stolen, and defendant further admitted that he earlier lied to the police officer in order to protect his brother.

It is apparent that details regarding the circumstances of *how* a crime was apparently committed constitute “details about the crime.” *Id.* at 94. Indeed, the *Chavis* Court recounted evidence that the defendant in that case falsely claimed to have been beaten with an object in connection with a carjacking as evidence that he made a false police report. *Id.* at 86, 93. Thus, we conclude that the circuit court erred by quashing the information in this case. The district court did not abuse its discretion in binding over defendant because there was clearly evidence of a violation of MCL 750.411a(1), and probable cause that defendant committed the offense, based on the police officer’s testimony that defendant acknowledged lying to him about circumstances indicative of how the relevant car was stolen.²

We reverse the circuit court’s order quashing the information and remand this case to the circuit court for further appropriate proceedings. We do not retain jurisdiction.

/s/ Patrick M. Meter
/s/ Peter D. O’Connell
/s/ Alton T. Davis

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and the incident underlying the present case to increase the scope of prohibited conduct. However, the prior version of the statute in force at the time of *Chavis* and the present version are substantively identical in prohibiting the intentional making of a false report of the commission of a crime to a peace officer. See *Chavis, supra* at 91. Thus, it is apparent that *Chavis* constitutes binding precedent in this case.

² Defendant suggests that the district court’s decision was erroneous because the court “failed to state on the record any factual findings to support his decision to bindover [sic].” However, his suggestion is utterly devoid of any legal support or argument and has therefore been abandoned for purposes of appeal. See, e.g., *People v Watson*, 245 Mich App 572, 587; 629 NW2d 411 (2001).