

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LAWRENCE LAMONT BRAGGS,

Defendant-Appellant.

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UNPUBLISHED

October 19, 2010

No. 293701

Saginaw Circuit Court

LC No. 08-030287-FH

Before: SAWYER, P.J., and FITZGERALD and SAAD, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of involuntary manslaughter, MCL 750.321. The victim died after receiving head injuries during a fight with defendant over drugs. Defendant was sentenced as a fourth habitual offender, MCL 769.12, to serve six to 20 years' imprisonment. Defendant appeals as of right. We affirm.

Defendant argues that the verdict was not supported by sufficient evidence, in that the requisite causation was not established. He asserts that the chain of causation was severed by the victim's consumption of alcohol and cocaine, which he characterizes as a grossly negligent act that rose to the level of being a superseding cause in the death. This challenge to the verdict requires us to ask whether the evidence and reasonable inferences stemming therefrom, when viewed in favor of the prosecutor, rationally support the conclusion that the causal element was proven beyond reasonable doubt. *People v Hawkins*, 245 Mich App 439, 457; 628 NW2d 105 (2001). We conclude that it was.

To convict a defendant of involuntary manslaughter, the prosecution must in part prove that the defendant caused the death of another. MCL 750.321. Earlier this year, our Supreme Court considered the concept of criminal causation at length, providing the following overview:

[I]n the criminal law context, the term “‘cause’ has acquired a unique, technical meaning.” Specifically, the term and concept have two parts: factual causation and proximate causation. Factual causation exists if a finder of fact determines that “but for” defendant’s conduct the result would not have occurred. A finding of factual causation alone, however, is not sufficient to hold an individual criminally responsible. The prosecution must also establish that the defendant’s conduct was a proximate cause of . . . the victim’s death.

Proximate causation “is a legal construct designed to prevent criminal liability from attaching when the result of the defendant’s conduct is viewed as

too remote or unnatural.” If the finder of fact determines that an intervening cause supersedes a defendant’s conduct “such that the causal link between the defendant’s conduct and the victim’s injury was broken,” proximate cause is lacking and criminal liability cannot be imposed. . . . [*People v Feezel*, 486 Mich 184, 194-195; 783 NW2d 67 (2010) (citations omitted).]

The issue of proximate cause is decided on a case-by-case basis. *Id.* at 201. “Thus, to hold [a] defendant criminally responsible, the trier of fact must find beyond a reasonable doubt that defendant’s conduct was a proximate cause of this victim’s death . . . given the particular facts of the case.” *Id.* at 201-202 (emphasis omitted).

Defendant struck the victim’s head with his fists several times. The medical examiner testified that the victim sustained extensive bleeding around his brain brought on by this beating. He also testified that the victim had consumed alcohol and cocaine prior to his death. The medical examiner concluded that the victim died as a result of his head injuries and that the cocaine in his system contributed to the death because cocaine increases blood pressure which in turn causes broken blood vessels to bleed at an increased rate.

Defendant asserts that the medical examiner testified that the victim’s consumption of alcohol and cocaine could, standing alone, have caused his death. This is a mischaracterization of the doctor’s testimony. The doctor consistently testified that the victim would have died from his head injuries regardless of the cocaine in his system—it would just have taken longer.

Defendant also asserts that the chain of causation was broken by defendant’s gross negligence in consuming alcohol and cocaine. Again, we are guided by our Supreme Court:

Whether an intervening cause supersedes a defendant’s conduct is a question of reasonable foreseeability. Ordinary negligence is considered reasonably foreseeable, and it is thus not a superseding cause that would sever proximate causation. In contrast, “gross negligence” or “intentional misconduct” on the part of a victim is considered sufficient to “break the causal chain between the defendant and the victim” because it is not reasonably foreseeable. [*Id.* at 195 (citations omitted).]

The consumption of intoxicants is not in and of itself an act amounting to gross negligence. See *id.* at 202.

Again, the medical examiner repeatedly emphasized that the head injuries the victim suffered would have resulted in his death regardless of the presence of intoxicants in his system. Further, considering the particular facts of the case, it cannot be said that it was not foreseeable that the victim would be intoxicated, particularly given the fact that the fatal blows were precipitated by a disagreement between defendant and the victim over a drug transaction.

Affirmed.

/s/ David H. Sawyer  
/s/ E. Thomas Fitzgerald  
/s/ Henry William Saad