

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT LEE LAWRENCE,

Defendant-Appellant.

FOR PUBLICATION

June 5, 2001

9:00 a.m.

No. 220598

Oakland Circuit Court

LC No. 99-164702-FH

Updated Copy

August 17, 2001

Before: McDonald, P.J., and Murphy and Meter, JJ.

METER, J. (*dissenting*).

I respectfully dissent, because I believe that construing the phrase "any criminal process" in MCL 750.197a as including a lawful arrest accords with the ordinary meaning of the phrase and best effectuates the purpose of the statute.

As stated by the majority, the term "process" has two general meanings in a legal context, the first being the proceedings in any action or prosecution and the second being the summons by which a person is made to appear in court. An application of either of these general meanings demonstrates that MCL 750.197a did indeed proscribe defendant's conduct in the instant case.

If the first general meaning is applied to MCL 750.197a, then the statute clearly prohibits an escape from police custody during a lawful arrest. Indeed, it cannot be seriously argued that the phrase "proceedings in a prosecution" excludes a lawful arrest, the essential first step in any prosecution.

If the second general meaning is applied to MCL 750.197a, then the statute again prohibits an escape from police custody during a lawful arrest. Indeed, Black's Law Dictionary (7th ed), p 1222, defines "criminal process" as "[a] process (such as an arrest warrant) that issues to compel a person to answer for a crime." A lawful arrest without a warrant, such as the arrest that took place in the instant case, clearly "compel[s] a person to answer for a crime."¹

¹ It would be anomalous indeed to conclude that MCL 750.197a proscribes a person who has been arrested pursuant to a warrant from escaping from police custody but does not similarly proscribe the escape of a person who has been lawfully arrested without a warrant.

Moreover, the Legislature's use of the word "any" before the words "criminal process" in the statute indicates that the statute encompasses a large range of situations, such as an arrest without a warrant.

As noted by the majority, in construing statutes, this Court must assess the object of the statute and apply a reasonable construction that best accomplishes the purpose of the statute. *People v Adair*, 452 Mich 473, 479-480; 550 NW2d 505 (1996). Provisions of the Penal Code are construed according to the fair import of their terms to effectuate the purpose of the statute. MCL 750.2. Given the Legislature's use of the term "any" before the phrase "criminal process," the purpose of MCL 750.197a is clearly to deter and punish a person's escape in a broad range of situations. Construing the phrase "any criminal process" to include a lawful arrest imposes a fair meaning to the phrase, as discussed above, and it better effectuates the purpose of the statute than using the construction devised by the majority.

I would affirm.

/s/ Patrick M. Meter