

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DIANE LYNN SPRIKS,

Defendant-Appellant.

UNPUBLISHED

October 21, 2004

No. 250009

Delta Circuit Court

LC No. 02-006898 FH

Before: Murphy, P.J., and Sawyer and Markey, JJ.

PER CURIAM.

Defendant appeals by right from her jury trial conviction of operating a motor vehicle while under the influence of intoxicating liquor or having an unlawful body alcohol content (OUIL/UBAL), third offense, MCL 257.625(1). She was sentenced to one and one-half years' probation, four months in jail, 400 hours of community service, and a fine of \$500. We affirm.

On appeal, defendant claims that there was insufficient independent evidence of the corpus delicti of OUIL/UBAL to permit introduction of defendant's statement to Michigan State Police Trooper Shawn Reynolds. She raised this issue both in her motion to quash the bindover and again at trial. The trial court denied the motion.

In reviewing whether a statement should be suppressed, an appellate court considers the record de novo but reviews the trial court's factual findings for clear error. *People v Adams*, 245 Mich App 226, 230; 627 NW2d 623 (2001). This court reviews the trial court's decision whether the corpus delicti requirement was satisfied for an abuse of discretion. *People v Burns*, 250 Mich App 436, 438; 647 NW2d 515 (2002).

The corpus delicti rule "provides that a defendant's confession may not be admitted unless there is direct or circumstantial evidence independent of the confession establishing (1) the occurrence of the specific injury (for example, death in cases of homicide) and (2) some criminal agency as the source of the injury." *People v Konrad*, 449 Mich 263, 269-270; 536 NW2d 517 (1995). The rule "is designed to prevent the use of a defendant's confession to convict him of a crime that did not occur." *Id.* at 269. But the corpus delicti rule applies only to confessions and not admissions of fact that need proof of other facts to show guilt. *People v Porter*, 269 Mich 284, 290; 257 NW 705 (1934).

We need not decide in this case whether defendant's statements were a confession, within the corpus delicti rule, or merely admissions of facts. Even if defendant's statement to Trooper Reynolds constituted an admission of guilt, it was still admissible under the corpus delicti rule because sufficient other direct and circumstantial evidence of the commission of the offense existed independent of the statement. Under the corpus delicti rule, a preponderance of direct or circumstantial evidence, aside from the defendant's statement, must prove the occurrence of the crime before a defendant's confession may be admitted. *Konrad, supra* at 269-270; *Burns, supra*, at 438. Not every element of the offense must be proven before admitting a defendant's confession. *People v Williams*, 422 Mich 381, 391; 373 NW2d 567 (1985).

Trooper Reynolds was at the home of defendant's ex-husband, Patrick Spriks, investigating a complaint regarding damage to personal property. While Reynolds and Spriks were in the house, Spriks informed Reynolds that defendant had just pulled up in the driveway. Reynolds went outside and observed defendant getting out of the driver's side door of her parked vehicle. When Reynolds approached defendant he "smelled the strong odor of intoxicants coming from her breath." No one else was in the vehicle. Defendant failed the field sobriety tests Reynolds administered. There were no other vehicles in the area at this time, nor were there any sounds to indicate that a vehicle was leaving. One must operate a vehicle on T Road, a public roadway that runs along US-41, to access to Spriks' driveway. Defendant's blood test results revealed that defendant had a blood alcohol content of 0.18%. These facts provided sufficient direct and circumstantial evidence, independent of defendant's statements, to prove the crime of OUIL/UBAL occurred, thus satisfying the corpus delicti rule. Therefore, the trial court did not abuse its discretion in admitting defendant's statements.

We affirm.

/s/ William B. Murphy
/s/ David H. Sawyer
/s/ Jane E. Markey