

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

UNPUBLISHED
February 19, 2015

v

HASSAN ADEL MOHSEN,
Defendant-Appellant.

No. 318769
Wayne Circuit Court
LC No. 13-000949-FH

Before: CAVANAGH, P.J., and METER and SHAPIRO, JJ.

SHAPIRO, J. (*concurring*).

Defendant argues that the trial court should have granted his motion for a directed verdict on the charge of third-degree fleeing and eluding because the prosecution failed to prove that the crime occurred “in an area where the speed limit is 35 miles an hour or less[.]” MCL 257.602a(3)(b). At trial, the two police officers that pulled over defendant’s car testified as to the speed limit on the relevant street. One testified that he believed the area was 30 miles per hour, but could not be sure. The other testified that, “I think the speed limit . . . is 30 or 35” miles per hour. Given that speed limits on public streets are set by law, the prosecution should not have relied on the opinion testimony of the officers to establish this element of the crime, i.e., it should have presented documentary evidence definitively establishing the speed limit on the relevant stretch of road. Nonetheless, after reviewing the entire record, I concur with the majority’s affirmance of defendant’s conviction for third-degree fleeing and eluding.

/s/ Douglas B. Shapiro