

Order

Michigan Supreme Court
Lansing, Michigan

December 2, 2024

Elizabeth T. Clement,
Chief Justice

167035

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 167035
COA: 365104
Kent CC: 22-010260-FC

CHRISTOPHER PAUL SCHURR,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 25, 2024 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. We note that the Court of Appeals correctly determined that it should review the bind over decision for an abuse of discretion, *People v Mamon*, 435 Mich 1, 22-23 (1990), but misstated the abuse of discretion standard, which this Court clarified in *People v Babcock*, 469 Mich 247, 269 (2003): “At its core, an abuse of discretion standard acknowledges that there will be circumstances in which there will be no single correct outcome; rather, there will be more than one reasonable and principled outcome. . . . When the trial court selects one of these principled outcomes, the trial court has not abused its discretion and, thus, it is proper for the reviewing court to defer to the trial court’s judgment. An abuse of discretion occurs, however, when the trial court chooses an outcome falling outside this principled range of outcomes.” This was not reversible error, however, because even applying the correct standard, the decision of the 61st District Court was not outside the “principled range of outcomes.”

ZAHRA and VIVIANO, JJ., would remand this case to the Court of Appeals to consider the issue raised by the dissenting judge in that court as to whether the decedent was in possession of a per se dangerous weapon.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 2, 2024

Clerk