

STATE OF MICHIGAN  
IN THE CIRCUIT COURT [REDACTED]

PEOPLE OF THE STATE OF MICHIGAN,

v.

File No. [REDACTED]  
Hon. [REDACTED]

[REDACTED],  
Defendant.

FILED

MAR 20 2026  
[REDACTED]

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**Memorandum and Order Re: Defendant's Motion to Quash**

**Background**

A preliminary examination was conducted on August 28, 2025. The Defendant was bound over on two counts of First Degree Child Abuse. The Defendant brought this motion to quash the bindover and dismiss along with evidentiary motions. The Court reviewed the parties' briefs, exhibits, and the transcript, and held oral argument on March 2, 2026 on the motion to quash, and scheduled a hearing for a later date on the evidentiary motions.

**Standard of Review**

The Court reviews the District Court's decision for an abuse of discretion. "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." *People v Babcock*, 469 Mich 247, 269 (2003). "An abuse of discretion occurs . . . when the trial court chooses an outcome

falling outside this principled range of outcomes.” *Id.* However, review is *de novo* when the challenge is to the magistrate’s interpretation or application of the law to the facts. *People v Schaub*, 254 Mich App 110, 114-115 (2002).

To bind a defendant over to the circuit court for trial, the district court must find probable cause to believe that the defendant committed a felony. *People v Magnant*, 508 Mich 151, 161 (2021). To find probable cause, there must be evidence presented on each element of the crime charged or evidence from which the elements may be inferred that would “cause a person of ordinary prudence and caution to conscientiously entertain a reasonable belief of the defendant’s guilt.” *People v Anderson*, 501 Mich 175, 181-182 (2018), (internal citations omitted).

The standard of probable cause required at a preliminary examination “is not a very demanding threshold.” *People v Lewis*, 509 Mich 1052; (2022). At the conclusion of a preliminary examination, the district court must determine whether there is probable cause that the defendant committed a crime, which by definition requires the district court “to settle or decide by choice of alternatives or possibilities.” *Anderson*, 501 Mich at 183, Probable cause to bind the defendant over on the charges may exist regardless of whether the evidence conflicts or whether there is reasonable doubt of the defendant’s guilt. *Lewis*, 509 Mich at 1052. Circumstantial evidence and reasonable inferences arising from the evidence may be sufficient to establish probable cause. *People v Henderson*, 282 Mich App 307, 312 (2009). “If the evidence conflicts or raises a reasonable doubt, the defendant

should be bound over for trial, where the questions can be resolved by the trier of fact.” *Id.*

### Findings

The prosecution's theory is based solely on the fact that when [REDACTED] symptoms appeared, the Defendant was the only caregiver present. According to Dr. [REDACTED] testimony, the exact time when the injuries were sustained cannot be determined. The injuries could have occurred weeks ago or, although less likely, during the child's birth. This undermines the prosecution's theory and the lower court's conclusion that the Defendant must have been the perpetrator of the injuries.

Is there a reasonable basis to infer that the Defendant caused [REDACTED] injuries? The medical evidence indicates when the symptoms appeared, but not the exact time of the injuries. A proper bind over requires proof that a felony was committed and probable cause exists to charge the Defendant with that crime. Without evidence of when the injuries happened, the prosecution cannot demonstrate that the Defendant committed the crime.

The lower court noted that it did not believe justice would be served by proceeding with this case and considered it not very strong given the circumstances. However, the lower court still bound over the Defendant because he was the last person with [REDACTED] at the time of the episode. But, the episode is not the injury; it pertains to the manifestation of symptoms. The lower court did not rely on any

other evidence to conclude that the Defendant caused the injuries. Since there is no evidence indicating when the injury happened, there is no proof that the Defendant was with [REDACTED] at that time. This Court finds that the lower court abused its discretion by concluding that there was probable cause to believe the Defendant committed a crime because he was with [REDACTED] when the symptoms manifested.

The Court GRANTS the motion the case is DISMISSED.

This is a final order and closes the case, and bond is hereby cancelled and shall be returned if posted.

**It Is Ordered.**

Date: 3-20-2026

[REDACTED]

Hon. [REDACTED]  
[REDACTED] Circuit Court Judge