

COA Opinion: A person that leaves a vehicle in a dangerous position on a roadway “operates” that vehicle for purposes of Michigan’s drunk driving law

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On December 7, 2010, the Court of Appeals published its *per curiam* opinion in [People v. Lechleitner, No. 293577](#). In this case, the defendant was intoxicated and lost control of his vehicle on the freeway, hitting guardrails and then ultimately coming to rest in the middle of the freeway, blocking two lanes. As a result of other vehicles swerving to avoid defendant’s vehicle, a fatal crash occurred. On appeal, defendant challenged the trial court’s conclusion that, at the time in question, he was “operating” a motor vehicle within the meaning of the applicable statute. The Court of Appeals affirmed the trial court’s ruling, adopting the reasoning in *People v. Wood*, 450 Mich 399; 538 NW2d 351 (1995). Specifically, it reaffirmed *Wood*’s holding that once someone intoxicated puts a vehicle in motion, that person continues to “operate” the vehicle until it is placed in a position that does not pose a significant risk of collision.