

COA Opinion: Stealing a cell phone from a motor vehicle falls within the text of larceny-from-a-vehicle statute

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A Michigan statute makes it a felony to steal certain items (“any wheel, tire, air bag, catalytic converter, radio, stereo, clock, *telephone*, computer, or other electronic device”) located “*in or on*” certain vehicles (“any motor vehicle, house trailer, trailer, or semitrailer”). [MCL § 750.356a](#) (emphasis added). Marvin Miller was charged under this statute for stealing a cell phone that was in a truck, and he asked the trial court to quash the charge on the theory that the statute applied only to telephones that were permanently attached to a vehicle. The trial court accepted this argument. In *People v. Miller*, No. 294566 (Apr. 15, 2010), the Court of Appeals reversed.

Noting that nothing in the statute required that the telephone be permanently attached to the vehicle, just that it be “in or on” the vehicle, the Court explained that the charged conduct fell squarely within the plain language of the statute.