

Unlawful Driving Away an Automobile (UDAA)

Unlawful driving away of an automobile is defined under MCL 750.413 as taking possession of a vehicle that does not belong to you and driving it without the owner's permission. It does not matter whether or not you intended on eventually bringing it back or whether you intended on keeping it forever. It is a specific intent crime, although no specific intent to permanently deprive the owner of the car is required, only the specific intent to drive the car unlawfully or without permission.

Use of an Automobile without Authority and without the Intent to Steal

Also known as Unlawful Use (or Joyriding), it is a crime under Michigan law that is similar to UDAA. Unlawful Use is when someone uses a vehicle that belongs to someone else without authority or permission from the owner coupled with the intent to knowingly use the car without the owner's permission or authority.

Distinction Between Unlawful Driving Away and Unlawful Use

The distinction between the two is that with UDAA, the defendant takes possession unlawfully in the first place. Unlawful Use is a lesser offense that applies if the defendant had permission to use the car initially, but exceeded the scope of the permission or used it in a way that he knew was unauthorized. Unlawful Use can also be a good plea negotiation since it is a much less severe offense.

Penalties

UDAA is a felony punishable by up to five years in prison. Unlawful Use is a high-court, or serious, misdemeanor punishable by up to two years in prison and/or \$1,500 in fines. If it is a first offense, the court may reduce the punishment to a maximum of three months and/or \$500 in fines.

Prosecutor's Discretion

The prosecutor has the discretion to charge the defendant with larceny since the elements would fit the crime.