

MICHIGAN SUPREME COURT



Office of Public Information

contact: Marcia McBrien | (313) 972-3219 or (517) 373-0129

FOR IMMEDIATE RELEASE

MICHIGAN SUPREME COURT TO HEAR CASE IN HISTORIC BARRY COUNTY COURTHOUSE FOR “COURT COMMUNITY CONNECTIONS” PROGRAM

At issue: Was group plea bargain for family coercive? Defendant seeks to withdraw plea

LANSING, MI, May 8, 2008 – The historic Barry County Courthouse in Hastings will be the setting for a May 14 oral argument before the Michigan Supreme Court, with local high school students in attendance to hear and later analyze the case.

While the Court normally hears oral argument at the Michigan Hall of Justice in Lansing, this marks the second time the Court will hear a case off-site as part of “Court Community Connections,” a Supreme Court program aimed at educating high school students about the Michigan legal system. After discussing the case with local attorneys, 20 students from Barry County will have front-row seats during oral argument. Following argument, the students will meet with attorneys in the case for a debriefing.

The case is *People v Brian Lamorand*, in which the Court agreed to hear oral argument as to whether to grant the defendant’s application for leave to appeal or take other preemptory action. In *Lamorand*, the defendant was arrested on drug charges, along with his mother and other family members. The prosecutor offered to let the defendant and his family members plead guilty in exchange for shorter jail sentences, on the condition that all of them would accept the plea bargains; if any of them refused, none of them would be able to plead. The defendant initially accepted, but later tried to withdraw his plea, arguing that he was coerced into pleading guilty because his family members would face longer jail sentences if he did not accept the bargain. The trial court denied that motion and the Michigan Court of Appeals declined to hear the defendant’s appeal; Lamorand appealed to the Michigan Supreme Court. The case is being heard as an oral argument on application, which means the Court has not yet decided whether to grant leave to appeal in this case.

Court will be held on **May 14** in the Barry County Circuit Courthouse, located at 220 W. State Street, Hastings. The oral argument will begin at **3 p.m.** Seating is limited and is available on a first-come, first-served basis.

(Please note: The summary that follows is a brief account of the case and may not reflect the way in which some or all of the Court’s seven Justices view the case. The attorneys may also disagree about the facts, the issues, the procedural history, or the significance of the case. Briefs are available on the Supreme Court’s web site at http://www.courts.michigan.gov/supremecourt/Clerk/msc_orals.htm. For further details about the case, please contact the attorneys.)

PEOPLE v LAMORAND (case no. 135247)

Prosecuting attorney: Richard J. Goodman/(586) 469-5350

Attorney for defendant Brian Lamorand: Mitchell T. Foster/(248) 681-2939

Attorney for amicus curiae Criminal Defense Attorneys of Michigan: Anne M. Yantus/(313) 256-9833

Trial Court: Macomb County Circuit Court

Link to briefs:

<http://www.courts.michigan.gov/supremecourt/Clerk/05-08/135247/135247-Index.htm>

At issue: The defendant was arrested on drug charges, along with his mother and other family members. The prosecutor offered to let the defendant and his family members plead guilty in exchange for shorter jail sentences, on the condition that all of them would accept the plea bargains; if any of them refused, none of them would be able to plead. The defendant initially accepted, but later tried to withdraw his plea, arguing that he was coerced into pleading guilty because his family members would face longer jail sentences if he did not accept the bargain. Was the group plea bargain coercive? Should the defendant be allowed to withdraw his guilty plea?

Background: Brian Lamorand, his mother, stepfather, brother, and half-brother were all charged with manufacturing marijuana, a felony; the marijuana was discovered by investigators at the house where Lamorand's family members lived in Clinton Township. The prosecutor offered to let Lamorand and his family members (except for his brother, who had admitted manufacturing marijuana) plead to the misdemeanor offense of maintaining a drug house, which would mean a lower sentence than if they were convicted of manufacturing marijuana. A condition of the plea was that if one of the family members declined the plea agreement, none of the others would be permitted to plead.

At the plea hearing, the trial judge asked Lamorand and each of his family members about their plea bargains, including whether any promises, threats, inducement, or coercion had compelled them to plead guilty; they responded no. Lamorand also said that he kept his driver's license at the Clinton Township house. The judge accepted his guilty plea.

But before he was to be sentenced, Lamorand filed a motion to withdraw his plea. He argued that the plea bargain was inherently coercive because, if he refused to plead, he would effectively subject his mother and other family members to more serious charges. Lamorand also argued that he was innocent because he lived at an address in Detroit and not at the house in Clinton Township; he supplied letters from his employers, as well as neighbors at both the Detroit and Clinton Township locations, who all stated that he did not live at the Clinton Township house and had not lived there for some time. The trial judge denied Lamorand's motion, stating that Lamorand had already accepted the plea and put his acceptance on the court record, and that the prosecution's ability to proceed would be compromised if Lamorand was permitted to withdraw the guilty plea. Lamorand appealed, but the Michigan Court of Appeals denied leave "for lack of merit in the grounds presented." Lamorand appealed to the Michigan Supreme Court.

In an order dated March 20, 2008, the Supreme Court agreed to hear oral argument on whether to grant Lamorand's application for leave to appeal or take other peremptory action. The

Court directed the parties to address: “(1) whether requiring a defendant to plead guilty in order to preserve the right of his family members to benefit from plea bargains is coercive; (2) whether the defendant’s claims of innocence together with the claims of coercion, brought before sentencing, provide sufficient reasons under the standard of review for plea withdrawal before sentencing to support a grant of his motion; (3) whether an evidentiary hearing is required to explore this matter; and (4) whether, if the defendant is allowed to withdraw his plea, the prosecution will be prejudiced and, if so, in what manner.”

-- MSC --