

State of Michigan



Thirteenth Judicial Circuit

328 WASHINGTON STREET, SUITE 300
TRAVERSE CITY, MICHIGAN 49684
(231) 922-4701
c13court@grandtraverse.org
www.13thcircuitcourt.org

THOMAS G. POWER
KEVIN A. ELSENHEIMER
CIRCUIT JUDGES

COUNTIES
ANTRIM
GRAND TRAVERSE
LEELANAU

TERI QUINN
COURT ADMINISTRATOR

Received

JUN 24 2020

LB

State Court Administrative Office

June 10, 2020

Larry S. Royster
Clerk of the Michigan Supreme Court
PO Box 30052
Lansing, MI 48909

Re: ADM File Number 2019-27

Dear Mr. Royster



Proposed MCR 6.126 requires proceedings in the trial court in a criminal case be stayed pending resolution of an application of leave for appeal a decision of the trial court on the admissibility of evidence. It appears that any decision on a motion to suppress, motion in limine, or the like would give either side a right to stall proceedings for a period of months while the Court of Appeals decides whether to grant an interlocutory application for leave to appeal. That stay is required to be continued should either party file an application for leave to appeal to the Supreme Court. MCR7.305 (I). Thus, a defendant who was on bond (most felony defendants) has the absolute power to force a nearly yearlong delay in trial court proceedings, a delay that can only be denied for limited reasons under the new rule. The opportunities for tactical abuse of this rule are obvious.

The parties and the public have a right to prompt resolution of criminal cases. Delay is not the friend of justice.

This proposal should be rejected.

Sincerely,

Thomas G. Power
Circuit Court Judge