

Jerard M. Jarzynka
Prosecuting Attorney



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OFFICE OF THE PROSECUTING ATTORNEY

November 2, 2020

Larry Royster
Supreme Court Clerk
P.O. Box 30052
Lansing, MI 48909

Re: ADM File no. 2020-07, proposed amendment to MCR 6.502

Dear Mr. Royster:

Even though I like Proposal A more, either is a good idea. Enclosed is an example of a warning letter that I have been sending for the last 15 to 17 years to my circuit judges in this situation.

Sincerely,

A handwritten signature in cursive script that reads "Jerrold Schrottenboer".

Jerrold Schrottenboer
Chief Appellate Attorney

Enclosure

July 8, 2020

Judge John McBain
Circuit Court

Re: *People v Percy Taylor*, #16-004024-FC

Dear Judge McBain:

I am writing to you asking that you warn defendant that his recently filed "Motion for Remand" is really a motion for relief from judgment subject to subchapter 6.500. Although Michigan courts do not require such warnings, giving them is both fair and required in the federal system. *Castro v United States*, 540 US 375, 377; 124 S Ct 786; 157 L Ed 2d 778 (2003).

Because defendant has already had his appeal by right, any relief that he may request is exclusively through a motion for relief from judgment. MCR 6.501. He is allowed only one such motion. MCR 6.502(G).

Therefore, I am asking that you tell defendant that he has three options. First, he can proceed with the motion realizing that he may not file another (unless any subsequent motion somehow fits within an exception under MCR 6.502(G)(2)). Second, he can amend the motion, raising whatever additional issues that he may want to raise. Third, he can withdraw the motion and then file it later (with, if he feels like it, new issues).

If I do not hear from defendant, I will file an answer by September 2.

Sincerely,

Jerrold Schrotenboer
Chief Appellate Attorney

cc: Percy Taylor, #198462
Saginaw Correctional Facility
9625 Pierce Road
Freeland, MI 48623