

Court of Appeals, State of Michigan

ORDER

In re A Godboldo-Hakim Minor

Docket No. 305341

LC No. 11-499774-NA

Kurtis T. Wilder
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion to waive fees is GRANTED for this case only.

The motion to waive the transcript requirement is GRANTED.

The application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review. Necessarily, testimony that would assist respondent-appellant in defending against the allegations in the petition will not be incriminating in the criminal proceeding. *In re Stricklin*, 148 Mich App 659, 664-665; 384 NW2d 833 (1986). The Fifth Amendment does not protect such nonincriminating testimony. *Id.* Moreover, testimony that may incriminate respondent-appellant will not be of help to her in defending against the allegations in the petition. *Id.* As such, good cause for an adjournment does not exist. MCR 3.923(G). Further, the requested adjournment may be lengthy and is contrary to the child's best interests. *Id.* Respondent may limit her testimony to nonincriminating statements, call witnesses, and/or refute evidence with her own exhibits.

The motion for stay is DENIED.

The Court notes that, despite issuance of the trial court's order denying adjournment on Wednesday, July 27, 2011, respondent-appellant failed to file her application until near the close of business on Friday, July 29, 2011. Any delay in issuing the instant order arose from appellant's failure to more expeditiously file the application, and her failure to provide an accurate proof of service when the application was filed.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

AUG 01 2011

Date


Chief Clerk