

Court of Appeals, State of Michigan

ORDER

People of MI v Richard Allan Balzer

Cynthia Diane Stephens
Presiding Judge

Docket No. 313246

Kurtis T. Wilder

LC No. 12-009342-03-FH

Karen M. Fort Hood
Judges

The Court orders that the motions for immediate consideration are GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court further orders that the October 17, 2012, order of the Wayne County Circuit Court, is REVERSED. MCR 6.121 clearly and unambiguously does not permit the trial court to sever the trial of defendants on its own initiative. Compare MCR 6.120(B). See also generally, *People v Hana*, 447 Mich 325, 345-347; 524 NW2d 682 (1994). Accordingly, the trial court erred as a matter of law in sua sponte severing the trials of the seven defendants.

In light of the peremptory relief, the motion for stay is DENIED.

Pursuant to MCR 7.215(F)(2), this order shall take immediate effect. The Court retains no further jurisdiction.



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

DEC 13 2012

Date

Chief Clerk