

Court of Appeals, State of Michigan

ORDER

People of MI v Leeclifton Jerome Moore

Docket No. 353162

LC No. 05-009552-FC

Douglas B. Shapiro
Presiding Judge

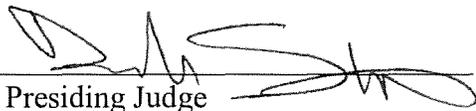
Jane M. Beckering

James Robert Redford
Judges

The Court GRANTS the motions for immediate consideration.

The Court DENIES the motion for stay of remand hearing.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES, in part, the bench ruling of the Kent Circuit Court and REMANDS this matter for entry of an order granting defendant’s request for the appointment of an MDOC expert at public expense. Defendant made the requisite showing under the “reasonable probability” standard announced in *Moore v Kemp*, 809 F2d 702 (CA 11, 1987), and adopted in *People v Kennedy*, 502 Mich 206; 917 NW2d 355 (2018), to demonstrate his entitlement to the appointment and funding of an expert in the field of MDOC policies, procedures, and operations. On remand, the court shall determine how much funding is necessary to protect defendant’s rights. *People v Williams*, 328 Mich App 408, 415-416; 938 NW2d 42 (2019). In all other regards, the Court DENIES the application for failure to persuade the Court of the need for immediate appellate review. This order has immediate effect. MCR 7.215(F)(2). The Court continues to retain jurisdiction.


Presiding Judge

Redford, J., I dissent from the majority’s decision to peremptorily reverse the sentencing court and remand for appointment of an MDOC expert at the public expense because I am not persuaded that defendant has established the need for immediate appellate review nor demonstrated that he has met the standard for the appointment of such expert as articulated by our Supreme Court in *Kennedy*, 502 Mich at 227-228. In all other respects, I concur with the majority’s denial of defendant’s application for leave to appeal for failure to persuade the Court of the need for immediate appellate review.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAY 18 2020

Date


Chief Clerk