

Court of Appeals, State of Michigan

ORDER

In Re D Sutton Minor

Docket No. 303909

LC No. 09-491177-NA

Michael J. Talbot
Presiding Judge

Christopher M. Murray

Cynthia Diane Stephens
Judges

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

The Court further orders that the motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED, the trial court's order of April 22, 2011, is REVERSED, and the matter is REMANDED for further proceedings before a different judge. The trial court's prevention of appellant from testifying and cross-examining Ashley Perry, admission of Ashley Perry's unsworn hearsay testimony, and hostile questioning of appellant deprived appellant of her right to fundamentally fair proceedings and the record indicates that the trial court judge will have difficulty conducting further proceedings on remand in a neutral and unbiased manner. *Hunter v Hunter*, 484 Mich 247, 257; 771 NW2d 694 (2009); *People v Evans*, 156 Mich App 68, 71-72; 401 NW2d 312 (1986).



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

October 17, 2011
Date


Chief Clerk