

MICHIGAN SUPREME COURT

People of Michigan v. Mark Stanford Katzman

No. SC: 160596, Michigan Supreme Court (May 8, 2020)

SUMMARY

Michigan Supreme Court vacated a Court of Appeals statement that the U.S. and Michigan Constitutions are "coextensive" regarding unreasonable searches and seizures. The Court reiterated that the Michigan Constitution provides the same protection as the Fourth Amendment absent a compelling reason to impose a different interpretation. This order clarifies that the state constitution may diverge from federal Fourth Amendment jurisprudence when compelling reasons exist, though the Court denied leave to appeal on other grounds.

OPINION

People of Michigan v. Mark Stanford Katzman

PER CURIAM.

Order Michigan Supreme Court Lansing, Michigan May 8, 2020 Bridget M. McCormack, Chief Justice David F. Viviano, Chief Justice Pro Tem 160596 Stephen J. Markman Brian K. Zahra Richard H. Bernstein Elizabeth T. Clement PEOPLE OF THE STATE OF MICHIGAN, Megan K. Cavanagh, Plaintiff-Appellee, Justices v SC: 160596

COA: 345173

Oakland CC: 2017-263755-FH

MARK STANFORD KATZMAN,

Defendant-Appellant. _____/ On order of the Court, the application for leave to appeal the October 3, 2019 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the judgment of the Court of Appeals stating that the United States and Michigan Constitutions are "coextensive" with regard to protection against unreasonable searches and seizures. See *People v Slaughter*,

489 Mich 302, 311 (2011) ("This Court has ruled that the Michigan Constitution is to be construed to provide the same protection as that secured by the Fourth Amendment, absent compelling reason to impose a different interpretation.") (internal quotation marks and citation omitted; emphasis added); see also *Sitz v Dep't of State Police*, 443 Mich 744

(1993). In all other respects, leave to appeal is DENIED, because we are not persuaded that the question presented should be reviewed by this Court. I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court. May 8, 2020 s0505 Clerk

