

MICHIGAN SUPREME COURT

People of Michigan v. Derryl Wade Shelton

No. 162280, Michigan Supreme Court (December 23, 2020)

SUMMARY

Michigan Supreme Court vacated a trial court's order denying pretrial bond, holding that the trial court abused its discretion by failing to adequately consider public health factors under Administrative Order 2020-1, issued to mitigate COVID-19 spread. The record did not support findings that the defendant was a flight risk or posed a danger to the public. The case addresses the intersection of pretrial release decisions and public health emergencies.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Bridget M. McCormack; David F. Viviano; Stephen J. Markman; Brian K. Zahra; Richard H. Bernstein; Elizabeth T. Clement; Megan K. Cavanagh
JURISDICTION	Michigan
DECIDED	December 23, 2020
DOCKET	162280
DISPOSITION	vacated
PROCEDURAL POSTURE	Application for leave to appeal from the Court of Appeals order denying or affirming denial of bond.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	Published
PARTIES	Derryl Wade Shelton v. People of the State of Michigan

TOPICS

- criminal procedure
- bail
- standard of review
- appellate procedure

PRACTICE AREAS

- Criminal Law

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion in denying the defendant's emergency motion to reinstate bond by failing to give adequate consideration to Administrative Order No. 2020-1 and by making unsupported findings regarding flight risk and danger.

HOLDINGS

1. The trial court abused its discretion by failing to give adequate consideration to Administrative Order No. 2020-1, which directs courts to consider public health factors to mitigate the spread of COVID-19. The record does not support the trial court's determination that the defendant is likely to fail to appear or poses a danger to the public.

KEY QUOTATIONS

“The trial court abused its discretion by failing to give adequate consideration to Administrative Order No. 2020-1 (issued March 15, 2020), which directs courts to consider the public health factors arising out of the present public health emergency to mitigate the spread of COVID-19.”

“The record does not support the trial court's determination that the defendant is likely to fail to appear for future proceedings; nor does it establish that he poses a danger to the public if granted pretrial release.”

FACTUAL BACKGROUND

Defendant Derryl Wade Shelton was charged in Washtenaw Circuit Court (case no. 15-000590-FC) and was denied bond. He filed an emergency motion to reinstate bond, citing the COVID-19 pandemic and Administrative Order No. 2020-1. The trial court denied the motion on October 28, 2020. The Court of Appeals entered an order on November 6, 2020. The Michigan Supreme Court considered the application for leave to appeal.

PROCEDURAL HISTORY

Defendant filed an emergency motion to reinstate bond in the trial court, which was denied on October 28, 2020. Defendant appealed to the Court of Appeals, which entered an order on November 6, 2020. Defendant then applied for leave to appeal to the Michigan Supreme Court.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Remand to the Washtenaw Circuit Court for further proceedings not inconsistent with this order, specifically to consider the public health factors from Administrative Order No. 2020-1 and to reassess bond.

OPINION

PER CURIAM.

Order Michigan Supreme Court Lansing, Michigan December 23, 2020 Bridget M. McCormack, Chief Justice 162280 & (16) David F. Viviano, Chief Justice Pro Tem Stephen J. Markman Brian K. Zahra PEOPLE OF THE STATE OF MICHIGAN, Richard H. Bernstein Plaintiff-Appellee, Elizabeth T. Clement Megan K. Cavanagh, Justices v SC: 162280 COA: 355276 Washtenaw CC: 15-000590-FC DERRYL WADE SHELTON, Defendant-Appellant.
_____/ On order of the Court, the motion for immediate consideration is GRANTED.

The application for leave to appeal the November 6, 2020 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the October 28, 2020 order of the Washtenaw Circuit Court that denied the defendant's emergency motion to reinstate bond.

The trial court abused its discretion by failing to give adequate consideration to Administrative Order No. 2020-1 (issued March 15, 2020), which directs courts to consider the public health factors arising out of the present public health emergency to mitigate the spread of COVID-19.

The record does not support the trial court's determination that the defendant is likely to fail to appear for future proceedings; nor does it establish that he poses a danger to the public if granted pretrial release.

We REMAND this case to the Washtenaw Circuit Court for further proceedings not inconsistent with this order. We do not retain jurisdiction. 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. December 23, 2020 t1216 Clerk