

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND
BUSINESS COURT

VALUE INVESTORS, LLC,

Plaintiff,

Case No. 21-188165-CB
Hon. Michael Warren

v

JEFFREY YATOOMA and CANNABIS
PROPERTY BROKERS, LLC,

Defendants.

OPINION AND ORDER DENYING DEFENDANT JEFFREY YATOOMA'S
MOTION FOR STAY OF SENTENCING
AND CONTINUATION OF BOND PENDING APPEAL

At a session of said Court, held in the
County of Oakland, State of Michigan
May 29, 2025

PRESENT: HON. MICHAEL WARREN

I
OVERVIEW

Before the Court is the Defendant Jeffrey Yatooma's Motion for Stay of Sentencing and Continuation of Bond Pending Appeal. Having reviewed the Motion and Response, and otherwise being fully informed in the premises, the Court dispenses with oral argument as it would not assist in rendering a decision. MCR 2.119(E)(3).

At stake is whether this Court should stay the sentencing of Defendants Jeffrey Yatooma and Cannabis Property Brokers, LLC in connection with their convictions for criminal contempt of court when they have failed to apply the applicable standard? Because the argument is deemed abandoned, the answer is “no” and the Motion is denied on this first independent ground.

Also at stake is even if the Court overlooks the abandonment of the argument, whether the stay should be entered when (1) there is some likelihood that the Defendants will not appear for sentencing, (2) the potential harm to the community in the Defendants being at large during the pendency of the appeal is substantial, (3) there is little merit to the appeal, and (4) there is serious risk to the proper administration of justice? Because the answer is “no,” the Motion is denied on this second independent ground.

II PROCEDURAL POSTURE

The Defendants stand convicted of criminal contempt in the Court’s 34-page Findings of Fact and Conclusions of Law Finding Jeffrey Yatooma and Cannabis Property Brokers, LLC in Criminal Contempt of Court & Not Liable for Civil Contempt dated May 16, 2025. The Defendants filed an Application for Leave to Appeal with the Michigan Court of Appeals on May 22, 2025 and seek to stay sentencing while the appeal is pending.

**III
A STAY IS UNWARRANTED**

**A
The argument is deemed abandoned**

The Defendants cite MCR 7.209(F)(2) as authority to support the Motion.

That Rule of Court provides:

A criminal defendant for whom bond pending appeal is allowed after conviction must promise in writing:

- (a) to prosecute the appeal to decision;
- (b) if the sentence is one of incarceration, to surrender himself or herself to the sheriff of the county in which he or she was convicted or other custodial authority if the sentence is affirmed on appeal or if the appeal is dismissed;
- (c) if the judgment or order appealed is other than a sentence of incarceration, to perform and comply with the order of the trial court if it is affirmed on appeal or if the appeal is dismissed;
- (d) to appear in the trial court if the case is remanded for retrial or further proceedings or if a conviction is reversed and retrial is allowed;
- (e) to remain in Michigan unless the court gives written approval to leave; and
- (f) to notify the trial court clerk of a change of address."

However, the Defendants' citation to this authority begs the question: why should this Court "allow" the Defendants "bond pending appeal"? Among other things, the Defendants assert they will suffer irreparable harm but fail to substantiate their allegations.

More important, as the Response reveals, the request to stay is meritless. “[A]n appeal does not stay the effect or enforceability of a judgment or order of a trial court unless the trial court or the Court of Appeals otherwise orders.” MCR 7.209(A)(1). Moreover, “[f]ollowing conviction, the defendant is no longer entitled to the presumption of innocence and release on bail or bond becomes a matter of discretion, not of right.” *People v Tate*, 134 Mich App 682, 693 (1984). “In a criminal case the granting of bond pending appeal and the amount of it are within the discretion of the trial court, subject to applicable law and rules.” MCR 7.209(B)(2). Michigan law has long held that in reviewing whether a bond is appropriate, the Court should evaluate the following factors:

1. *The likelihood that the defendant will appear when required in response to the order of the court....*
2. *The potential harm to the community in the defendant being at large during the pendency of the appeal....*
3. *The substantiality of the ground of appeal... [and]*
4. *The risk to the proper administration of justice.*

[*People v Giacalone*, 16 Mich App 352, 355-357 (1969) (emphasis in original).]

The Defendants fail to cite this authority or make any argument about these factors. Yet, “Trial Courts are not the research assistants of the litigants; the parties have a duty to fully present legal arguments for its resolution of their dispute.” *Walters v Nadell*, 481 Mich 377, 388 (2008). The Defendants’ failure to adequately

brief their position constitutes abandonment of the position. *Moses, Inc v Southeast Mich Council of Governments*, 270 Mich App 401, 417 (2006) (“If a party fails to adequately brief a position, or support a claim with authority, it is abandoned”); *Houghton v Keller*, 256 Mich App 336, 339-340 (2003) (“failure to properly address the merits of [one’s] assertion of error constitutes abandonment of the issue”; a party “may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims . . . nor may he give issues cursory treatment with little or no citation of supporting authority” (citations omitted)). After all, “[j]udges are not like pigs, hunting for truffles” that might support a party’s position. *Dibrell v City of Knoxville*, 984 F3d 1156, 1663 (CA 6, 2021) (citation omitted). This is the first independent reason to deny the Motion.

B

Even if not abandoned, the circumstances of the case do not warrant a stay

Even if the Court were to overlook the Defendants’ failure to adequately brief the matter (and the Court does not), the applicable factors favor denying a stay.

1. **The likelihood that the defendant will appear when required in response to the order of the court.** Jeffrey Yatooma has appeared for all proceedings and has posted a relatively minor bond in light of his substantial wealth (as revealed by the Response). The Court has allowed Jeffrey Yatooma to reside in Florida pending sentencing - whether that was misguided only time will

tell. As the Response notes, refusal to return to Michigan and/or flight to a foreign nation is not out of the question. Jeffrey Yatooma has the means and motive to evade the Court's reach. This factor is relatively neutral.

2. **The potential harm to the community in the defendant being at large during the pendency of the appeal.** As noted by the Response and this Court's Findings of Fact and Conclusions of Law, the Defendants have repeatedly evaded this Court's authority and engaged in serial subterfuge of the judicial process. The Court takes judicial notice that Jeffrey Yatooma has at least 18 civil cases in this jurisdiction alone. True enough, only a few are currently (technically) open, and that Jeffrey Yatooma will engage in similar criminal contempt is unknown. Much more salient, as the Response and this Court's rulings evidence, the Defendants have only been stopped from committing additional criminal contempt in this very case because of *lis pendens* that were filed by the Plaintiff. The Defendants' victory in connection with civil contempt was not for want of trying to flaunt the Court's orders. The Defendants have repeatedly shown an intention to evade the orders of the Court. Leaving the Defendants to their own devices pending an appeal beckons "potential harm." This factor strongly favors denying a stay.

3. **The substantiality of the ground of appeal.** This Court is not infallible, but the 34-page Findings of Fact and Conclusions of Law carefully considered the evidence and law before the Court. The Defendants' legal challenges

were carefully addressed and found wanting. In attempting to avoid civil contempt penalties, the Defendants all but admitted they committed criminal contempt of court in their arguments at the trial as well as their motion for reconsideration. This factor heavily weighs denying a stay.

4. **The risk to the proper administration of justice.** The power of contempt is “essential to the preservation of order in judicial proceedings and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice.” *In re Chadwick*, 109 Mich 588, 601 (1896), quoting *Ex Parte Robinson*, 86 US 505, 510 (Mem); 22 L Ed 205; 19 Wall 505, 510 (1873). See also *Cross Co v United Auto, Aircraft and Agr Implement Workers of America, Local 155*, 377 Mich 202, 208 (1966) (“One purpose served by such a proceeding is the preservation of the power and dignity of the court. This aspect has been repeatedly recognized in Michigan”); *In Re Contempt of Auto Club Ins Ass’n*, 243 Mich App 697; 624 NW2d 443 (2000) (“the primary purpose of the contempt power is to preserve the effectiveness and sustain the power of the courts” [footnote omitted]). Hence, the authority of a trial court to exercise the power of contempt as part of Michigan’s One Court of Justice is no trivial matter or simply meant to assuage the personal feelings of judges, but is an essential component of the constitutional authority of the court. See, e.g., *Nichols v Judge of Superior Court of Grand Rapids*, 130 Mich 187, 193-195. As such, the judiciary must be a zealous guardian of the contempt power, as it is

inherently necessary to the administration of justice. Our Supreme Court has elaborated:

It was said in argument by counsel for respondents 'that by the common law every judge was regarded as the direct representative of the sovereign, and upon this fiction the power to punish for contempt was based.' With us the people have been substituted for the crown. The courts are created by the people, and are dependent upon the popular will for a continuation of the powers granted. They are the people's courts, and contemptuous conduct toward the judges in the discharge of their official duties tending to defeat the administration of justice, is more than an offense against the person of the judge; it is an offense against the people's court, the dignity of which the judge should protect, however willing he may be to forego the private injury.

[*In Re Chadwick*, 109 Mich at 600-601, quoting *Cooper v People* (Colo Sup), 22 Pac 800.]

Indeed, the failure to exercise the contempt power can lead to undermining of the rule of law and protection of our liberties:

Whenever we subject the established courts of the land to degradation of private prosecution, we subdue their importance and destroy their authority. Instead of being venerable before the public, they become contemptible; and we thereby embolden the licentious to trample upon everything sacred in society, and to overthrow those institutions which have hither-to been deemed the best guardians of civil liberty.

[*Ex Parte Gilliland*, 284 Mich 604, 611 (1939), quoting *Yates v Lansing*, 5 Johns, NY 282 (1810).]

The United States Supreme Court also has reasoned that "[i]f a party can make himself a judge of the validity of orders which have been issued, and by his own act of disobedience set them aside, then are the courts impotent, and what the

Constitution now fittingly calls ‘the judicial power of the United States’ would be a mere mockery.” *Gompers v Bucks Stove & Range Co*, 221 US 418, 450; 31 S Ct 492; 55 L Ed 797 (1911). See also *Young v United States ex rel Vuitton et Fils S.A.*, 481 US 787, 796; 107 S Ct 2124; 95 L Ed 2d 740 (1987), quoting *Gompers*, 221 US at 450. Accordingly, Michigan law has long held that “[i]t is the right and duty of a conscientious court” to exercise the power of contempt when its authority and impartiality is challenged in an open manner. *Ex Parte Gilliland*, 284 Mich at 611. See also *In Re Chadwick*, 109 Mich at 603, quoting *Yates*, 5 Johns, NY 282; *Mundy v McDonald*, 216 Mich 444, 458 (1921) (“The chancellor, in the case of the plaintiff, was bound in duty to imprison and reimprison him, if he considered his conduct as amounting to a contempt of his court. The obligations of his office left him no volition. He was as much bound to punish a contempt committed in his court, as he was bound in any other case to exercise his power”).

The Defendants’ criminal contempt seriously eviscerates the effective administration of justice, denigrates the rule of law, and mocks our republican form of government. The longer it stands, the worse the damage.

This factor weighs heavily in favor of denying the stay.

ORDER

In light of the foregoing Opinion, the Court hereby DENIES Defendant Jeffrey Yatooma's Motion for Stay of Sentencing and Continuation of Bond Pending Appeal.

The parties shall appear before the Court on June 4, 2025 at 1:00 p.m. for sentencing.

/s/ Michael Warren

**HON. MICHAEL WARREN
CIRCUIT COURT JUDGE**

