

If this opinion indicates that it is “FOR PUBLICATION,” it is subject to revision until final publication in the Michigan Appeals Reports.

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOSEPH RYAN-EVERETT GOBRICK,

Defendant-Appellant.

UNPUBLISHED

December 21, 2021

No. 352180

Kent Circuit Court

LC No. 18-005805-FH

Before: RONAYNE KRAUSE, P.J., and BECKERING and BOONSTRA, JJ.

BOONSTRA, J. (*concurring*).

I fully concur in the majority’s legal analysis and in its decision to affirm defendant’s conviction and sentence. I write separately only because this Court should not be altering its lexicon whenever an individual prefers to be identified in a manner contrary to what society, throughout all of human history, has understood to be immutable truth. Abraham Lincoln perhaps said it best:

*How many legs does a dog have
if you call the tail a leg? Four.
Calling a tail a leg doesn’t make it a leg.¹*

While I respect the right of every person to self-identify however he or she may wish, it frankly should not be of interest or concern to the Court unless it somehow impacts the resolution of the case before us. We as a Court should be writing for clarity and focusing on legal issues, not

¹ See, e.g., <https://www.historynet.com/abraham-lincoln-quotes> (last accessed October 22, 2021).

spending our time making our opinions less clear, all so that we may conform to a particular litigant's predilections.²

Defendant is a biological man who, as the majority notes and obliges, apparently wishes to be referred to as "they/them" (although even defendant's counsel frequently defaulted to "he/him" during oral argument, presumably to limit the confusion that otherwise would have infected his colloquy with the Court). The reason given is simply that defendant "identifies as female" (while nonetheless preferring "they/them" to "she/her"). Defendant also claims to have multiple personalities, although that fact is not given as a basis for the requested pronoun preference.

Once we start down the road of accommodating pronoun (or other) preferences in our opinions, the potential absurdities we will face are unbounded.³ I decline to start down that road, and while respecting the right of dictionary- or style-guide-writers or other judges to disagree, do not believe that we should be spending our time crafting our opinions to conform to the "wokeness" of the day.

I decline to join in the insanity that has apparently now reached the courts.

/s/ Mark T. Boonstra

² I wholeheartedly agree with the majority that all persons deserve to be treated fairly and with courtesy and respect, but disagree with any intimation that my nonconformity somehow does otherwise.

³ Commentators have described the "pronoun wars" as "the greatest nightmare grammarians have ever endured."