# Court of Appeals, State of Michigan

## ORDER

PEOPLE OF MI V JAMES MATTHEW BROOME JR

Docket No. 381118

LC No. 24-000226-01-FC

Kathleen A. Feeney
Presiding Judge

Stephen L. Borrello

Sima G. Patel
Judges

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The motion for immediate consideration is GRANTED.

The motion to waive the transcript-production requirement of MCR 7.209 is GRANTED.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, we REVERSE the trial court's June 9, 2026 order denying the prosecution's motion for an adjournment and REMAND this matter to that court for further proceedings consistent with this order.

Under the circumstances at bar, the trial court abused its discretion by refusing to grant a continuance until the prosecution's disputed witness became available to testify. See *People v Jackson*, 467 Mich 272, 279; 650 NW2d 665 (2002) ("The police here successfully served the subpoena. Dawson had previously cooperated with the police and prosecution, and they had no reason to expect that his cooperation would not continue. We do not know what further efforts the court could have expected of the prosecution or police in these circumstances. We do not require the prosecutor to assume that every witness is a flight risk who must be monitored to ensure his attendance at trial."). See also *People v Dunbar*, 463 Mich 606, 617 & n 13; 625 NW2d 1 (2001) (holding that, in light of the duty of candor, "in the absence of evidence to the contrary, we will accept a licensed attorney's assertion to a court"); *People v Everett*, 318 Mich App 511, 524-525; 899 NW2d 94 (2017) ("Absent some evidence to refute the prosecutor's assertions . . . , there is no reason to disbelieve the prosecutor's representations as an officer of the court bound by a duty of candor."). Moreover, to the extent that the trial court reasoned that speedy-trial implications required denial of the prosecution's requested adjournment, that conclusion was founded on legal error. The record clearly demonstrates that the vast majority of the delays in this case have been attributable to the defense or the court itself—a factor that the trial court failed to duly recognize in its speedy-trial analysis. See *People v Gilmore*, 222 Mich App 442, 460; 564 NW2d 158 (1997) ("Although delays inherent in the court system, e.g., docket congestion, are technically attributable to the prosecution, they are given a neutral tint and are assigned only minimal weight in determining whether a defendant was denied a speedy trial.") (quotation marks and citation omitted); *People v Holtzer*, 255 Mich App 478, 492; 660 NW2d 405 (2003) ("[I]f the delay *not attributable to defendant* exceeds eighteen months, prejudice is presumed.") (emphasis added).

On remand, the trial court shall immediately enter an order granting the prosecution's requested adjournment. In all other respects, the application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

In light of the foregoing, the motions for stay and peremptory reversal are DENIED as moot.

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.

Presiding Judge

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

June 10, 2026
Date

Chief Clerk