Order

Michigan Supreme Court
Lansing, Michigan

June 26, 2026

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

SC: 170208 & (19)
COA: 381118
Wayne CC: 24-000226-FC

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

JAMES MATTHEW BROOME, JR.,
Defendant-Appellant.

On order of the Court, the motion to expedite is GRANTED. The application for leave to appeal the June 10, 2026 order of the Court of Appeals is considered and, pursuant to MCR 7.305(I)(1), in lieu of granting leave to appeal, we REVERSE the order of the Court of Appeals and REMAND this case to the Wayne Circuit Court for further proceedings consistent with this order. Contrary to what the Court of Appeals held, the trial court did not abuse its discretion by denying plaintiff's motion to adjourn trial due to the unavailability of a forensic expert.

MCR 2.503(C)(2) directs that "[a]n adjournment may be granted on the ground of unavailability of a witness or evidence only if the court finds that the evidence is material and that diligent efforts have been made to produce the witness or evidence." The trial court reasonably concluded that plaintiff failed to act with the requisite diligence after the witness failed to acknowledge receipt of the subpoena that plaintiff attempted to serve electronically. MCR 2.506(G)(3) governs electronic service of subpoenas in this context, directing that when "no confirmation correspondence is provided within 2 business days after email or facsimile transmission," the subpoena "must be served" in the traditional manner. Plaintiff did not take this mandatory step; nor did plaintiff reach out to the witness to inquire into her availability to testify at defendant's trial. Months passed before plaintiff discovered that the witness was unavailable. By that point, jury selection was already underway. "Denial of a continuance is appropriate where a party fails to demonstrate diligent efforts to serve a subpoena." *People v Jackson*, 467 Mich 272, 278 (2002).

The trial court also reasonably declined to invoke MCR 2.503(D)(1), which confers discretion to grant an adjournment "to promote the cause of justice." The trial court consulted its calendar and determined that an adjournment would add several more months

of delay to a case that has already been pending for more than two years. Given defendant's interest in a speedy trial, the trial court determined that an adjournment would not promote the cause of justice. This was a valid exercise of the trial court's discretion. Even if the additional delay would not have resulted in a constitutional violation, it was still an appropriate consideration under MCR 2.503(D). The Court of Appeals erred to the extent that it suggested that the trial court was required to grant plaintiff's motion to adjourn so long as it did not result in a violation of defendant's constitutional right to a speedy trial.

In short, nothing in MCR 2.503(C)(2) or MCR 2.503(D)(1) required the trial court to adjourn a trial that was already underway. Nor did the trial court abuse its discretion by denying plaintiff's motion to adjourn. "[A]n abuse of discretion standard acknowledges that there will be circumstances in which there will be no single correct outcome; rather, there will be more than one reasonable and principled outcome." *People v Babcock*, 469 Mich 247, 269 (2003). The trial court selected a principled outcome, and the Court of Appeals erred by holding otherwise.

We do not retain jurisdiction.

I, Elizabeth Kingston-Miller, 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.

June 26, 2026

Clerk