Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V CEDRIC LYNN WINDOM

Docket No. 364516

LC No. 19-008287-01-FC

Michael F. Gadola
Presiding Judge

James Robert Redford

Michelle M. Rick
Judges

Defendant-Appellant's motion to view oral argument from a correctional facility is DENIED. "[A] defendant has a due process right to be present at a [criminal] proceeding 'whenever his presence has a relation, reasonably substantial, to the ful[l]ness of opportunity to defend against the charge. . . .' " *United States v Gagnon*, 470 US 522, 526; 105 S Ct 1482; 84 L Ed 2d 486 (1985). That due-process right requires the presence of the defendant at the trial, *People v Powell*, 303 Mich App 271, 275; 842 NW2d 538 (2013), at the sentencing hearing, *People v Palmerton*, 200 Mich App 302, 303; 503 NW2d 663 (1993), and at every other "critical stage" of the criminal proceedings. *People v Hayes*, 126 Mich App 721, 730; 337 NW2d 905 (1983). This Court has noted, "[i]n the abstract, almost any part of the criminal proceeding might arguably be termed a critical stage." *People v Gasco*, 104 Mich App 594, 597; 305 NW2d 552 (1981). But this Court excepted "[o]ral argument before an appellate court" because "the attorney alone approaches the appellate court[.]" *Id*. Thus, because a defendant has no constitutional, statutory, or rule-based right to observe oral argument either virtually or in person when counsel presents the oral argument, see *id*., we have no basis to order the officials of the Michigan Department of Corrections (MDOC) to afford defendant the opportunity to watch the oral argument in his case.

Presiding Judge

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

December 12, 2025
Date

Chief Clerk