Court of Appeals, State of Michigan

ORDER

IN RE CONTEMPT OF JACOB CORNELIUS MOL III

Docket No. 381669

LC No. 18-089257-DM

Matthew S. Ackerman
Presiding Judge

Brock A. Swartzle

Anica Letica
Judges

The motion to dismiss pursuant to MCR 7.211(C)(2) is DENIED without prejudice to the parties raising the issue of jurisdiction in their briefs on appeal for a decision by the case call panel.

On the Court's own motion, pursuant to MCR 7.213(C)(7), the Court shall expedite its consideration of this appeal. Further, this appeal and the appeal in Docket No. 381439 are CONSOLIDATED to advance the efficient administration of the appellate process.

Presiding Judge

Ackerman, J. (*concurring*): I concur in the Court's decision to leave the jurisdictional question for the case call panel. The trial court proceeded under MCL 552.644, which the Legislature expressly designated as a "civil contempt proceeding." See MCL 552.644(1); see also MCL 552.641(1)(b). That said, the proceeding appears to bear characteristics of criminal contempt, including that the appellant was punished for past conduct, received a determinate sentence, and generally was not given conditions he could satisfy to secure his release. An order of criminal contempt is appealable as of right, whereas an order of civil contempt is appealable only by application. See *In re Moroun*, 295 Mich App 312, 329 (2012); *Alpena Co Bd of Co Road Comm'rs v Tadajewski*, ___ Mich App ___, ___ (2025) (Docket No. 374166); slip op at 3. Because this case presents a question that our published caselaw does not appear to have squarely answered—how to characterize a contempt proceeding that the Legislature has expressly designated as civil when the nature of the contempt order otherwise bears characteristics of criminal contempt—I believe it warrants plenary consideration by a case call panel.

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

August 28, 2026
Date

Chief Clerk

Jerome W. Zimmer Jr.
Chief Clerk

Michigan Court of Appeals
Office of the Clerk

POLICY ON CONSOLIDATED CASES

The enclosed order consolidates the noted appeals. This statement explains the effect of consolidation on the appellate process.

FILING DEADLINES regarding transcripts, motions or briefs will not be affected by the consolidation. Rather, those deadlines that would apply in each individual docket number will be enforced by the Court. Where brief due dates are different in each docket number, on motion to the Court and payment of one motion fee counsel may be permitted to consolidate brief due dates so that one brief may be filed.

CAPTIONS in consolidated cases are not generally affected by consolidation. The easiest and most accurate way to caption a pleading to be filed in a set of consolidated cases is to reproduce the individual captions seriatim, in ascending order of this Court's docket numbers. Party connections, such as defendant-appellant, plaintiff-appellee, should be accurate within each docket number. Combining all parties and party connections into one catch-all caption is discouraged because it is almost impossible to do so without sacrificing accuracy.

DOCKETING of pleadings will be most quickly accomplished if the title of the pleading specifies the individual docket number(s) in which filing is to be made. For example, where plaintiff is appellant in one case and appellee in the other, docketing will be facilitated by the following pleading title:

"Plaintiff-Appellant's Brief in No. 229000"

FORMAL SUBMISSION of consolidated cases to a panel is joint. The panel will receive all briefs filed in all parts of the consolidated cases. If oral argument has been preserved, the cases will be argued as one case before the same panel. Time allotted to each side for oral argument will be calculated pursuant to MCR 7.214(B). Note that if a brief is late in one case of a set of consolidated cases, oral argument as to the issues raised in that brief is not preserved.

DECISION of consolidated cases will occur in one opinion. Release of the opinion will occur as per the Court's customary procedures.

If you have any questions at all about preparing documents for filing in your consolidated appeals, please contact the Clerk's Office for assistance.