STATE OF MICHIGAN

COURT OF CLAIMS

LARRY DARNELL SMITH,

Plaintiff,

v

Case No. 21-000040-MP

STATE OF MICHIGAN,

Hon. Christopher P. Yates

Defendant.
_____ /

ORDER TO SHOW CAUSE

On August 8, 2022, this Court's predecessor entered a stipulated order of judgment in the amount of $850,000 in favor of plaintiff in this action brought under the Wrongful Imprisonment Compensation Act (WICA), MCL 691.1751 *et seq*. Under paragraph (3)(e) of the stipulated order of judgment, plaintiff's award for wrongful imprisonment was "subject to setoff or reimbursement for damages obtained for the wrongful conviction or imprisonment from any other person, MCL 691.1755(13)." The stipulated order of judgment stated: "Plaintiff shall promptly notify the State of Michigan of any such damages obtained[.]"

Plaintiff subsequently received an award of $8.5 million from the city of Detroit and former city of Detroit employees in full payment of all claims he had for damages resulting from the same wrongful imprisonment for which he received an award under WICA. After learning of the award from the city, defendant sought reimbursement of the state award from plaintiff under the terms of the stipulated order of judgment and MCL 691.1755(13).

Plaintiff declined to reimburse defendant, resulting in defendant filing a motion to reopen this matter and a motion seeking an order for plaintiff to show cause why he should not be required to reimburse the state for the entire state award. After a status conference on August 28, 2025, the Court reopened the case on September 4, 2025.

MCL 691.1755(13) clearly states that an "award of compensation under this act is subject to setoff or reimbursement for damages obtained for the wrongful conviction or imprisonment from any other person." The stipulated order of judgment incorporates this statutory provision. Our Court of Appeals has concluded that MCL 691.1755(13) is clear and unambiguous in requiring reimbursement or setoff of the entire WICA judgment if the plaintiff recovers compensation from any other person (including individual police officers) arising from the same wrongful conviction and imprisonment. *Ricks v State*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (Docket No. 369531); slip op at 10.

Accordingly, plaintiff is directed to show cause within 21 days of the date of this order why this Court should not order plaintiff to reimburse defendant forthwith for the entire amount of the WICA judgment under the terms of the stipulated order of judgment and MCL 691.1755(13).

IT IS SO ORDERED.

This is not a final order and does not close the case.

Date: January 12, 2026

Hon. Christopher P. Yates (P41017)
Judge, Court of Claims