STATE OF MICHIGAN

COURT OF CLAIMS

ALPHONSO CLARK,

Plaintiff,

v

Case No. 23-000067-MZ

STATE OF MICHIGAN,

Hon. Randy J. Wallace

Defendant.
_____ /

ORDER DENYING PLAINTIFF'S 9/4/25 MOTION IN LIMINE

In this action under the Wrongful Imprisonment Compensation Act, MCL 691.1751 *et seq*., plaintiff previously moved the Court to "take judicial notice of Michigan's common law on accessory after the fact, specific intent, and duress" under MRE 202. The Court noted that it need not take judicial notice of the law, as it was well-aware of the principles outlined in the cases cited by plaintiff. As a result, on August 6, 2025, the Court denied the motion for judicial notice, but stated that "plaintiff may file a proper motion in limine."

Now before the Court is plaintiff's September 4, 2025 motion in limine. The motion filed by plaintiff is not a proper motion in limine because it does not move for the admission or exclusion of any evidence. Plaintiff concedes in his brief in support of the motion that the purpose of a motion in limine is to preclude the admission of evidence at trial, relying upon *Zantop Int'l Airlines, Inc v Eastern Airlines*, 200 Mich App 344, 360; 503 NW2d 915 (1993). Such an assertion is corroborated by the definition of a motion in limine, which is "[a] pretrial request that certain inadmissible evidence not be referred to or offered at trial." *Black's law Dictionary* (12th ed).

Plaintiff's brief states that "[p]reliminary questions of law in motions in limine are reviewed *de novo* on appeal," relying upon *Barnett v Hidalgo*, 478 Mich 151, 159; 732 NW2d 472 (2007). In *Barnett*, the plaintiff moved the court, at the outset of trial, to exclude as evidence affidavits of merit signed by her experts that contained allegations of malpractice against a former defendant that had been dismissed from the case pursuant to settlement. In the present case, plaintiff's brief explicitly states that "[t]his motion does not seek exclusion of any evidence." Therefore, plaintiff's motion in limine is DENIED.

IT IS SO ORDERED. This order does not resolve the last pending claim and does not close the case.

Date: May 29, 2026

Hon. Randy J. Wallace
Judge, Court of Claims