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STATE OF MICHIGAN

COURT OF APPEALS

ARDRA YOUNG,

Petitioner-Appellant,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee.

UNPUBLISHED
November 13, 2026
2:17 PM

No. 374974
Ionia Circuit Court
LC No. 2024-036686-AH

Before: O'BRIEN, P.J., and CAMERON and MALDONADO, JJ.

PER CURIAM.

Petitioner, Ardra Young, appeals as of right[1] from the trial court's opinion and order denying his petition for a writ of habeas corpus. Petitioner argues that he is entitled to a writ of habeas corpus because, in his underlying criminal prosecution, he was tried in the Recorder's Court after it was abolished, so the court lacked jurisdiction. We disagree and affirm.

I. BACKGROUND

On November 3, 1997, a jury convicted petitioner of two counts of first-degree murder, MCL 750.316, and two counts of possession of a firearm during the commission of a felony (felony-firearm), MCL 750.227b, in the shooting deaths of his wife and son. The petitioner confessed to calling his wife to his location, getting in the backseat of her car, and then shooting her in the back of the head. The petitioner then called his son, who had been waiting in petitioner's car, over. He told his son to get in the back seat of the car and get something from underneath the front seat. As his son was leaning down, the petitioner shot him in the head. Petitioner was

[1] The parties disagree on whether petitioner had an appeal of right in this case. Case law establishes that he did. Recently, this Court clarified that an original action for habeas is not the exclusive avenue for seeking review of the denial of a request for a writ of habeas in this Court and that a petitioner has an appeal of right from the denial of habeas relief. *Nonhuman Rights Project, Inc v DeYoung Family Zoo, LLC*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (Docket No. 369247), slip op at 2-7.

sentenced to concurrent terms of mandatory life imprisonment for the two counts of first-degree murder and to consecutive two-year terms for the felony-firearm convictions.[2]

On October 23, 2024, petitioner filed a complaint for a writ of habeas corpus as guaranteed by the Michigan Constitution, Const 1963, art 1, § 12. Petitioner alleged that he was tried and convicted in the Recorder's Court for the city of Detroit, after that court was formally abolished by MCL 600.9931 on October 1, 1997. Therefore, petitioner argued that the court in which he was tried, convicted, and sentenced lacked jurisdiction. In support of his claim that he was tried in the Recorder's Court, and not the Third Circuit Court which subsumed it, petitioner asserted that the jurors in his case were drawn from the jury pool of the Recorder's Court; he was given 10 peremptory challenges as was the practice in the Recorder's Court; and the proceedings were recorded in the journal of the Recorder's Court.

The trial court denied petitioner habeas relief, relying on the trial court's authority to render an immediate judgment under MCR 2.116(i)(1) and to summarily dispose of petitioner's complaint for a writ of habeas because it appeared petitioner was not entitled to relief under MCR 3.303(d)(1). Petitioner filed a motion for reconsideration and a motion for relief from judgment, which the trial court denied. This appeal followed.

II. STANDARDS OF REVIEW

A challenge to a court's jurisdiction is a question of law that we review de novo. *McKenzie v Dep't of Corrections*, 332 Mich App 289, 296; 957 NW2d 341 (2020). Issues of statutory interpretation are also reviewed de novo. *Maples v State*, 507 Mich 461, 470; 968 NW2d 446 (2021).

III. ANALYSIS

The writ of habeas corpus involves "a civil proceeding the main purpose of which is to cause the release of persons illegally confined, to inquire into the authority of law by which a person is deprived of liberty." *People v McCager*, 367 Mich 116, 124-125; 116 NW2d 205 (1962). "A prisoner's right to file a complaint for habeas corpus relief is guaranteed by Const 1963, art 1, § 12." *Moses v Dep't of Corrections*, 274 Mich App 481, 484; 736 NW2d 269 (2007), citing *Morales v Parole Bd*, 260 Mich App 29, 40; 676 NW2d 221 (2003). In Michigan, actions for writs of habeas corpus are governed by MCR 3.303 and Chapter 43 of the Revised Judicature Act,[3] MCL 600.4301 *et seq*. See *Jones v Chippewa Circuit Court Judge*, ___ Mich App ___, ___; ___ NW3d ___ (2026) (Docket No. 374352), slip op at 2.

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[2] This Court previously affirmed petitioner's convictions. *People v Young*, unpublished per curiam opinion of the Court of Appeals, issued March 14, 2000 (Docket No. 208788). Further, petitioner's complaint for a writ of habeas in the federal courts was denied. *Young v Renico*, unpublished opinion of the United States District Court for the Eastern District of Michigan, issued January 23, 2007 (Case No. 01-10094-BC), aff'd 346 Fed Appx 53 (CA 6, 2009).

[3] MCL 600.101 *et seq*.

The writ is properly invoked when there are radical defects that render a judgment or proceeding absolutely void. *Hinton v Parole Bd*, 148 Mich App 235, 244-245; 383 NW2d 626 (1986). Generally, MCL 600.4310(3) prohibits habeas relief to "[p]ersons convicted, or in execution, upon legal process, civil or criminal." *Moses*, 274 Mich App at 485-486. Habeas relief is available to a convicted person only in the narrow circumstance when "the convicting court was without jurisdiction to try the defendant for the crime in question." *Id*, quoting *People v Price*, 23 Mich App 663, 669-670; 179 NW2d 177 (1970). Moreover, "[a] radical defect in jurisdiction contemplates . . . an act or omission by state authorities that clearly contravenes an express legal requirement in existence at the time of the act or omission." *Price*, 23 Mich App at 671. A complaint for a writ of habeas corpus is not a substitute for direct appellate relief. *Id*.; see also MCL 600.4310(3).

In the present case, petitioner argues that there was a radical defect in jurisdiction because he was convicted in the Recorder's Court for the city of Detroit after that court was abolished. The Recorder's Court was created in 1857 as a Detroit municipal court with jurisdiction over Detroit ordinance violations and state law offenses committed in the city of Detroit except state misdemeanors triable in the police court. See *Hart v Wayne County*, 396 Mich 259, 262; 240 NW2d 697 (1976). "Although technically a municipal court, [the] Recorder's Court essentially functioned as a circuit court," as it had jurisdiction over felonies occurring in the city of Detroit. *Anthony v Michigan*, 35 F Supp 2d 989, 993 (ED Mich, 1999). Judges of the Recorder's Court were elected by voters of the city of Detroit and residents of the city constituted the jury pool. *Id*.

The Legislature abolished and merged the Recorder's Court with the Third Circuit Court, i.e., Wayne Circuit Court, effective October 1, 1997, by enacting MCL 600.9931. The statute provides in relevant part:

> (1) The recorder's court of the city of Detroit is *abolished and merged* with the third judicial circuit of the circuit court effective October 1, 1997. The incumbent judges of the recorder's court of the city of Detroit on September 30, 1997 shall become judges of the third judicial circuit of the circuit court on October 1, 1997, and shall serve as circuit judges until January 1 of the year in which their terms as judges of the recorder's court of the city of Detroit would normally have expired.
>
> (2) Effective October 1, 1997, all files, records, and *pending cases of the recorder's court shall be transferred to the third judicial circuit of the circuit court* in accordance with rules prescribed by the supreme court, and the circuit court shall exercise all powers in regard to those files, records, and cases as provided by rules of the supreme court. *The third judicial circuit of the circuit court shall have jurisdiction to hear and determine all cases transferred under this section, and shall exercise all authority with regard to those cases as though the cases had been commenced in that court.* All orders and judgments of the recorders' court shall be appealable in like manner and to the same courts as applicable before that date. [Emphasis added.]

Put simply, the Recorder's Court "ceased to operate on October 1, 1997, because the Third Circuit Court acquired its jurisdiction and functions." See *Judicial Attorneys Ass'n v State*, 459 Mich 291, 294 n 2; 586 NW2d 894 (1998).

Based on the plain language of MCL 600.9931, petitioner's case, which was pending in the Recorder's Court as of October 1, 1997, was transferred to the Third Circuit Court. The Third Circuit Court then had jurisdiction to hear petitioner's case and exercise all authority with regard to the case as though it had started in the Third Circuit Court. Petitioner raises several arguments in support of his claim that he was improperly tried in the Recorder's Court, but these arguments do not overcome the clear and unambiguous statutory language and, even if these errors occurred, do not constitute radical defects in jurisdiction.

Petitioner relies on *People v Fleming*, 185 Mich App 270; 460 NW2d 602 (1990), to support his primary argument that he was tried in the Recorder's Court because the jury in his case was drawn from the Recorder's Court jury pool. In that case, the defendant challenged the trial court's jurisdiction because a Recorder's Court judge presided over the trial and the crime was committed outside the city of Detroit, beyond that court's jurisdiction. *Id*. at 273. On appeal, the primary question was whether the defendant was tried in the Recorder's Court or in the circuit court. The record provided conflicting evidence of what court the defendant was tried in, as the transcript indicated the proceedings were in the Recorder's Court, court forms indicated sometimes the Recorder's Court and in other instances the Wayne Circuit Court, and it was unclear if the Recorder's Court Judge was acting as circuit court judge when presiding over the proceedings. *Id*. at 273-274. This Court reasoned that the issue might be resolved "on the basis of whether the jury was drawn from the Recorder's Court pool or the circuit court pool." *Id*. at 277. Relying on the "scant evidence" of a quote from a court consolidation plan, which stated that if a jury trial was held in a circuit court case, circuit court jurors would be used, this Court ultimately concluded that a circuit court jury was empaneled and that the defendant was tried in circuit court. *Id*. at 277-278.

Petitioner's reliance on *Fleming* is misplaced as that decision was issued before the abolishment of the Recorder's Court and the transfer of any pending cases to the circuit court. The jurisdictional challenge in *Fleming*, determining which of two possible courts the defendant was tried, is wholly different than the jurisdictional challenge petitioner makes here, arguing that he was tried in a court that no longer existed. Moreover, *Fleming* does not stand for the proposition that the jury pool is a dispositive factor in identifying the court in which a defendant is tried. The *Fleming* court considered several indicators before relying on the only evidence available in that particular case. *Id*. at 273-274, 277-278. *Fleming* did not state that the jury pool alone was dispositive in that case or would be dispositive in other cases, only that it was the only "scant evidence" available. And, unlike in *Fleming*, the evidence in the present case points to the conclusion that petitioner was tried in the Third Circuit Court. Most notably, the judgment of sentence in this case was issued by the Third Circuit Court and the transcript excerpt petitioner provided indicates that the proceedings took place in the Third Circuit Court. As the Recorder's Court was abolished at the time the judgment of sentence was issued and the case had been transferred to the Third Circuit Court under MCL 600.9931, this is incredibly strong evidence that petitioner was, in fact, tried by the Third Circuit Court.

Even if the jury in petitioner's case was drawn from the Recorder's Court jury pool and the trial court provided the wrong number of peremptory challenges as petitioner alleges, these

purported errors did not deprive the Third Circuit Court of jurisdiction. As this Court has recognized, a lack of subject-matter jurisdiction is not waivable. See *Jones*, ___ Mich App at ___; slip op at 3, citing *Winters v Dalton*, 207 Mich App 76, 79; 523 NW2d 636 (1994). Yet, issues regarding the composition of the jury and the number of peremptory challenges can be waived. See *People v Hubbard (After Remand)*, 217 Mich App 459, 466; 552 NW2d 493 (1996) ("An expression of satisfaction with a jury made at the close of voir dire examination waives a party's ability to challenge the composition of the jury thereafter impaneled and sworn."), overruled in part on other grounds *People v Harris*, 495 Mich 120, 123; 845 NW2d 477 (2014). Accordingly, it follows that errors with regard to the number of peremptory challenges and composition of the jury do not constitute radical defects warranting habeas relief. See *Jones*, ___ Mich App at ___; slip op at 3. Furthermore, as respondent argues, jurors drawn from the Recorder's Court jury pool were also residents of Wayne County and eligible jurors in the circuit court.

Lastly, petitioner asserts that because the proceedings in his case were recorded in the journal of the Recorder's Court that this establishes he was tried in that court. This argument is unpersuasive in light of the evidence discussed above and given that the maintaining of the registers of actions is merely a ministerial duty of the clerk of the court. See *Lapeer County Clerk v Lapeer Circuit Court*, 469 Mich 146; 665 NW2d 452 (2003); MCR 8.119. Further, it is apparent that petitioner's case was pending during the transition period from the Recorder's Court to the circuit court, which would account for the proceedings being primarily recorded in the journal of the Recorder's Court. This Court has not been provided with any information on how the administrative transition between the two courts was handled. Regardless, this issue does not reasonably draw into question the validity of the judgment in petitioner's case.

Accordingly, we conclude that there is not a radical defect warranting habeas relief in this case.

Affirmed.

/s/ Colleen A. O'Brien
/s/ Thomas C. Cameron
/s/ Allie Greenleaf Maldonado