

STATE OF MICHIGAN
IN THE COURT OF APPEALS

THE PEOPLE OF THE
STATE OF MICHIGAN,

Plaintiff-Appellee,

vs

KATHERINE LINDSEY HENRY,

Defendant-Appellant,

COURT OF APPEALS NO: 356828

CIRCUIT COURT NO: 21-64004-AR

LOWER COURT NO: 203569SM

MOLLY S. SCHIKORA (P46997)
Assistant Prosecuting Attorney
113 Chestnut Street
Allegan, Michigan 49010
(269) 673-0280

KATHERINE L. HENRY
Defendant in Pro Per
7194 Michael Drive
Hudsonville, Michigan 49426
(616) 303-0183

**PLAINTIFF-APPELLEE'S ANSWER TO DEFENDANT-
APPELLANT'S MOTION FOR IMMEDIATE CONSIDERATION**

The People of the State of Michigan, Plaintiff-Appellee, by Molly Schikora, state as follows in response to Defendant-Appellant's motion for immediate consideration:

1. Defendant-Appellant is charged with one count of trespass, contrary to MCL 750.552.
2. Defendant-Appellant has exercised her right to trial by jury.
3. While the 57th District Court denied her motion for stay pending appeal(s), the district court has stated that it is unable to begin hearing jury trials until at least June 1, 2021.

4. So far Defendant has filed separate appeals pertaining to court decisions arising from the February 4, 2021 motion hearing. One appeal, she says, references procedural due process. Application for leave to appeal was filed in the circuit court. That matter remains pending there.

5. Defendant's untimely application for leave to appeal on grounds of "substantive due process" was filed separately in the circuit court. That application was denied by the circuit court as untimely under MCR 7.105(A) and is the subject of the current application.

6. Beyond even her failure to raise related claims in a single document, in all filings Defendant-Appellant has exceeded the page allotment set forth in MCR 7.212(B).

7. Other of Defendant's motions are pending in the district court, which, if denied, will undoubtedly also be appealed.

8. Defendant's piecemeal approach to pursuing appeals creates unreasonable confusion and wasted resources. "Public policy militates strongly against piecemeal litigation of alleged errors by mean of successive and interminable appeals from a single judgement." *People v Bergin*, 63 Mich App 526 (1975). Defendant-Appellant's "procedural" appeal to circuit court was filed later than the "substantive appeal" and both pertain to the same or earlier hearings. The substantive appeal was dismissed sua sponte as being untimely. Presumably that appeal would have an opportunity to catch up with this appeal if immediate consideration is not granted.

9. Defendant-Appellant's current appeal goes to the merits of the trespass claim. Completion of trial, as noted by the district court, provides adequate opportunity for her defenses to be aired. *People v Kenan*, 144 Mich App 201 (1985).

WHEREFORE, Plaintiff-Appellee respectfully requests that this Honorable Court deny Defendant-Appellant's motion for immediate consideration.

Dated: April 20, 2021

Respectfully submitted,



Molly S. Schikora (P46997)
Assistant Prosecuting Attorney

MSS/plc