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STATE OF MICHIGAN
COURT OF APPEALS

SANDY SEAN HOLT, JR.,

Plaintiff-Appellant,

v

JENNIFER LACY, MUSKEGON COUNTY
PROSECUTOR, and CHARLES F. JUSTIAN,

Defendants-Appellees.

UNPUBLISHED

April 15, 2021

No. 352939

Muskegon Circuit Court
LC No. 20-000567-AW

Before: SHAPIRO, P.J., and CAVANAGH and REDFORD, JJ.

PER CURIAM.

Plaintiff appeals as of right an order dismissing his complaint for writ of mandamus requesting that the Michigan Department of Corrections (MDOC) be ordered to provide the prosecuting attorney with the notice required by MCL 780.131(1), the 180-day rule, in case number 02-047915-FC. We affirm.

Nearly 20 years ago, in case number 02-047915-FC, a jury convicted plaintiff of armed robbery and he was sentenced to 30 to 90 years' imprisonment.¹ In his direct appeal, plaintiff contended that the 180-day rule was violated. This Court disagreed and affirmed his conviction. Our Supreme Court subsequently held that there was no violation of the 180-day rule because defendant failed to establish that the MDOC provided the prosecuting attorney with the notice required by MCL 780.131(1). *People v Holt*, 478 Mich 851; 731 NW2d 93 (2007). Then, in February 2020, plaintiff filed a complaint for writ of mandamus requesting that the MDOC be ordered to provide the prosecuting attorney with the notice required by MCL 780.131(1) in case number 02-047915-FC. The trial court dismissed the complaint, holding that there was no pending warrant, indictment, information, or complaint in case number 02-047915-FC to which

¹ *People v Holt*, unpublished per curiam opinion of the Court of Appeals, issued December 21, 2004 (Docket No. 250580), p 1.

MCL 780.131(1) applied, and thus, no such legal duty existed to justify the requested mandamus relief. This appeal followed.

Plaintiff argues that he is entitled to mandamus relief because it was never discussed during his trial or direct appellate process that it was his burden to show that the MDOC provided the prosecuting attorney with the notice required by MCL 780.131(1). He argues that defendants had a clear legal duty to provide such notice and he has a clear legal right to defendants' discharge of that duty. We disagree.

This Court reviews for an abuse of discretion a trial court's decision in regard to a writ of mandamus. *Bay City v Bay Co Treasurer*, 292 Mich App 156, 164; 807 NW2d 892 (2011) (citation omitted). "A trial court abuses its discretion when its decision falls outside the range of reasonable and principled outcomes." *Id.* We review de novo as questions of law whether a defendant in a mandamus action had a clear legal duty and whether the plaintiff had a clear legal right to the performance of that duty. *Id.* (citation omitted).

In *Tuggle v Mich Dep't of State Police*, 269 Mich App 657; 712 NW2d 750 (2005), this Court explained:

The issuance of a writ of mandamus is proper where (1) the party seeking the writ has a clear legal right to performance of the specific duty sought, (2) the defendant has the clear legal duty to perform the act requested, (3) the act is ministerial and involves no exercise of discretion of judgment, and (4) no other remedy exists, legal or equitable, that might achieve the same result. Plaintiffs bear the burden of demonstrating entitlement to the extraordinary remedy of a writ of mandamus. [*Id.* at 668 (quotation marks and citations omitted).]

MCL 780.131(1), commonly referred to as the "180-day rule," provides as follows:

Whenever the department of corrections receives notice that there is pending in this state any untried warrant, indictment, information, or complaint setting forth against any inmate of a correctional facility of this state a criminal offense for which a prison sentence might be imposed upon conviction, the inmate shall be brought to trial within 180 days after the department of corrections causes to be delivered to the prosecuting attorney of the county in which the warrant, indictment, information, or complaint is pending written notice of the place of imprisonment of the inmate and a request for final disposition of the warrant, indictment, information, or complaint. The request shall be accompanied by a statement setting forth the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time or disciplinary credits earned, the time of parole eligibility of the prisoner, and any decisions of the parole board relating to the prisoner. The written notice and statement shall be delivered by certified mail.

In this case, the trial court did not abuse its discretion when it denied mandamus relief. See *Bay City*, 292 Mich App at 164. As the trial court held, there is no "untried warrant, indictment, information, or complaint," MCL 780.131(1), pending against defendant requiring notice under

the 180-day rule. Thus, defendants have no clear legal duty to issue such notice. See *Tuggle*, 269 Mich App at 668. Moreover, plaintiff's claim is moot because such notice would serve no purpose. See *State Hwy Comm'r v Ottawa Circuit Judge*, 339 Mich 390, 395; 63 NW2d 677 (1954) (explaining that mandamus will be denied when the issue is moot and the writ purposeless).

Affirmed.

/s/ Douglas B. Shapiro
/s/ Mark J. Cavanagh
/s/ James Robert Redford