

Order

Michigan Supreme Court
Lansing, Michigan

September 8, 2022

Bridget M. McCormack,
Chief Justice

164735 & (14)

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 164735
COA: 362446
Kent CC: 22-003779-FH

KEYARA SHARNICE MAJEED,
Defendant-Appellant.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the August 16, 2022 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the Kent Circuit Court's modification of the defendant's bond, REINSTATE her original \$5,000 personal recognizance bond, and REMAND this case to the trial court for further proceedings not inconsistent with this order.

The trial court abused its discretion when it modified the defendant's bond without explaining its reasoning. When a court orders money bail, it must state "reasons . . . *on the record*" as to why "the defendant's appearance or the protection of the public cannot otherwise be assured . . ." MCR 6.106(E) (emphasis added). Further, a court may only impose pretrial conditions if the court finds that personal recognizance "will not reasonably ensure the appearance of the defendant as required, or will not reasonably ensure the safety of the public . . ." MCR 6.106(D). The court modified the defendant's bail from a \$5,000 personal recognizance bond to a \$25,000 cash bond with a weekly drug testing condition without any explanation for why the modification was reasonably necessary to ensure the defendant's appearance or to protect the public.

We do not retain jurisdiction.

VIVIANO, J. (*dissenting*).

I would deny leave in this case. One of defendant's bond conditions was that defendant "not violate any law or commit any crime." Defendant violated this bond

condition by testing positive for marijuana. Due to her age, she was not legally entitled to possess or use recreational marijuana, see MCL 333.27954(1)(c), and there is no indication in the record that defendant possessed a valid medical marijuana card. By violating Michigan law, defendant violated the conditions of her pretrial release. This, in my view, is sufficient reason to deny leave in this case.

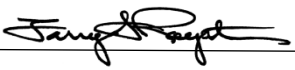
ZAHRA, J., joins the statement of VIVIANO, J.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 8, 2022


Clerk