

A

Denial on 010423 of Motion For Reconsideration.

Order

Michigan Supreme Court
Lansing, Michigan

January 4, 2023

Elizabeth T. Clement,
Chief Justice

164301 (56)(61)

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

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 164301
COA: 358499
Kent CC: 04-004787-FC

PAUL ALLEN BERNARD,
Defendant-Appellant.

On order of the Court, the motion to supplement is GRANTED. The motion for reconsideration of this Court's July 28, 2022 order is considered, and it is DENIED, because we are not persuaded that reconsideration of our previous order is warranted. MCR 7.311(G).

BOLDEN, J., did not participate.

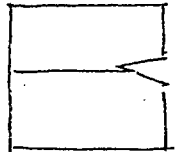


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A-1
I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 4, 2023

Appendix B contains two orders.
Neither is a reasoned decision,
pursuant to MCR 2.574(4)(1):



(1) Michigan Supreme Court # 164301 denial of application for leave to appeal denial of January 28, 2022, COA Order.

(2) COA January 28, 2022 Order.

Of note to the United States Supreme Court, the Court of Appeals on 012822 denied motions:

(a) to confirm actual innocence as a threshold matter. See Petition Motion #12.

(b) to establish Judge Redford's peer relationships. See Petition Motion #6.

(c) to establish Judge Redford's misconduct and incompetence, and make the record adequate on appeal. See Petition Motions #8 and #10.

(d) in total to provide a reasoned decision. See Petition Motion #7.

Order

Michigan Supreme Court
Lansing, Michigan

July 28, 2022

Bridget M. McCormack,
Chief Justice

164301 & (45)(50)(51)

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: 164301
COA: 358499
Kent CC: 04-004787-FC

PAUL ALLEN BERNARD,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 28, 2022 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. The motions to appoint counsel, to add an issue, and for a new trial are DENIED.



c0775

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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.

July 28, 2022

Larry S. Royster

Court of Appeals, State of Michigan

ORDER

People of MI v Paul Allen Bernard

Docket No. 358499

LC No. 04-004787-FC

David H. Sawyer
Presiding Judge

Douglas B. Shapiro

Mark T. Boonstra
Judges

The motion to waive fees is GRANTED for this case only.

The motion to include a copy of defendant's August 2021 motion for disqualification in his appellate appendix is GRANTED.

The application for leave to appeal is DENIED for lack of merit in the grounds presented.

The motion to stay is DENIED.

The motion for disqualification of the judges from this Court's Third District is DENIED for lack of merit in the grounds presented.

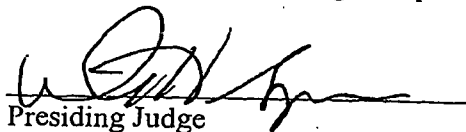
The motion to "confirm actual innocence or the probability thereof" is DENIED.

The motion to "establish Judge Redford's Bench and Other Peer Relationships" is DENIED.

The motion relating to Judge Redford's conduct and competence and "to correct and expand the record" is DENIED.

The motion to compel a response from the prosecutor is DENIED.

The motion to certify defendant's disqualification question to the Michigan Supreme Court under MCR 7.308(A)(1) is DENIED.


Presiding Judge



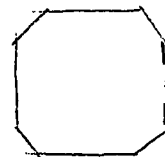
A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

January 28, 2022
Date


Chief Clerk

B-2

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Mr. Bernard is unsure which Order applies to certiorari. No Michigan Court provided a fully reasoned decision. If neither Appendix A nor B applies, then perhaps 093020 (17th Circuit) and 100220 (3rd District Court) jointly apply.

See Motion # 15.

Bench Disqualification Timeline (2020-2022)

| # | DATE | MR. BERNARD | MICHIGAN |
|---|--------|---|---|
| 1 | 070820 | MCR 6.502 Motion: - Actual Innocence - Exculpatory Evid. - Judicial Misconduct - Hearings Rqd. | Denied without considering anything. |
| 2 | 080620 | Notification that MI Conviction Integrity Unit began consideration of actual innocence evidence | stay denied |
| 3 | 093020 | 092820 Motion to disqualify 17th Cir. and 3rd Dist. | 3rd District returned and Judge Quist 17th Circuit denied. |
| 4 | 100220 | | |
| 5 | 102320 | Bench disqualification grounds of a) Judicial Misconduct and (2) Judge Quist failure to self-disqualify as bias | Unreasonable denial by Judge Quist. |
| 6 | 120920 | Appeal of Quist denial. | Chief Judge Trusock recharacterized grounds to "mere presence" and denied appeal. |
| 7 | 020821 | Submission of MCR 2.003, 6.502, and 14-Attachments for transfer to the State Court Admin. Ofc (SCAO). | Denied by Judges Quist and Trusock, and subsequent refusal by SCAO to intervene. |

Bench Disqualification Timeline (cont'd)

| # | DATE | MR. BERNARD | MICHELIGIAN |
|--------|--------|---|---|
| 8 | 022321 | Attempts to transfer 012521 motion set to SCAD pursuant to MCR 2.003 (DX3)(a)(ii) (chief judge disqualification as head of bench) | Denied by Chief Judge Trusock |
| 9 | 082521 | Due diligence attempts to apply MCR 2.003 sub3 (a)(i) and (a)(ii) to create a complete record | Denied by Chief Judge Trusock after AGAIN recharacterizing arguments to something else (see 120928 order) |
| APPX B | 012822 | Appeal right to impartial bench to 3rd District Court | Denied |
| 10 | 072822 | Appeal right to impartial bench and actual innocence threshold issue to MI S.Ct. | Application for leave to appeal denied |
| APPX A | 010423 | Denial of Motion for Reconsideration | Denied by MI S.Ct. |

Appendix C. Due Diligence Rule 14(i)(d).

- (1) 070820. Denial of MCR 6.502 Motion, but which failed to consider:
- (a) Exculpatory Brady confusion evidence;
 - (b) Retroactive case law;
 - (c) corruption of court record due to judicial and prosecutorial misconduct (14-Attachments);
 - (d) Need for hearings to make court record adequate on appeal.

NOTE: This established at least a perception of bias, but the source was unknown.

NOTE: The source was discovered on 082020. Trial Judge Redford was now COA Redford.

NOTE: A stamped name on an order is not a valid Judge's signature.

- (2) 080620. Notification to the 17th Circuit that the Conviction Integrity Unit is considering proof of actual innocence.

- (3) 093020. Denial by 17th Circuit of 092820 motion to disqualify the 17th Circuit and 3rd District Court of Appeals, and Kent County Prosecutors Office and Sheriff's Department, without reasoned opinion pursuant to MCR 2.517(A)(1), and related motions.

NOTE: Judge Quist has no authority to deny the motion for either the 17th Circuit or 3rd District COA.

- (4) 100220 Letter by 3rd District COA returning the 092820 bench disqualification motion (both the 3rd District and 17th circuit),

NOTE: This denied predeprivation due process regarding bench disqualification.

- (5) 102320, Motion denied, without reasoned opinion pursuant to MCR 2.517(4)(c), to find Judge Quist biased for not self-disqualifying subject to the Redford misconduct perception of partiality.

NOTE: Judge Quist's office had refused to accept the 14-Attachments (Redford misconduct), so perception of bias on those grounds was not considered.

NOTE: This is the Order which recharacterized the Redford misconduct grounds for bench disqualification as Judge Redford's "presence" on the Court of Appeals. Mr. Bernard never argued "presence" as the grounds. Also see 120420, 082521.

NOTE: MCR 2.517(4)(4) cannot be cited as authority to deny a reasoned response pursuant to (4)(c), Appendix D.

(6) 120920. Chief Judge Trusock denied the appeal of the motion to disqualify Judge Quist (and bench disqualification, which both ignored).

NOTE: Chief Judge Trusock claimed to be "fully informed," yet he had not read the 14-Attachments and apparently never realized that Judge Quist's disqualification was merely one ground under bench disqualification (i.e., all grounds must be raised at the earliest opportunity).

NOTE: Mr. Bernard never argued actual bias, as Chief Judge Trusock re-characterizes ("...the Court of Appeals is biased against the Defendant because Judge James R. Redford sits on the court...").

NOTE: Judge Quist "adopted" Judge Redford's "overwhelming evidence of guilt" opinion because Judge Quist never considered the 14-Attachments, he ignored the exculpatory evidence [070820 order], and he never held hearings to make the record adequate on appeal.

* Both Judge Quist and Chief Judge Trusock, by this date, have converted perception of partiality on the Redford misconduct grounds to "actual bias of Judge Quist and Judge Redford's 'mere presence' on the court."

(7) 020821. Denial of MCR 2.003 (bench disqualification) and MCR 6.502 Revised Motion, both of which were supported by the 14 Attachments. This is referred to as the 012521 Motion Set, intended for the SCJO under 2.003(0)(3)(a)(ii) (Chief Judge disqualification).

NOTE: Rather than transfer the 012521 Motion set to the SCJO (Region I), both Judges Quist and Trusock denied the motions without a reasoned opinion pursuant to MCR 2.514(4)(i).

NOTE: Subrule (a)(ii) is not a motion to Judge Quist. Once Chief Judge Trusock denied bench disqualification (which he defined as Quist disqualification) on 120920, Chief Judge denials are appealed to the SCJO.

NOTE: After the 17th Circuit, 3rd District, and SCJO required application of 2.003 to bench disqualification, the SCJO excused themselves from further involvement, which left Mr. Bernard without an impartial judge appeal path.

(8) 022321. Chief Judge Trusock letter refusing to transfer the 012521 Motion Set to the SCJO (State Court Administrative Office). This is the Redford Misconduct Attachments as required by the "fully informed objectively reasonable citizen" standard.

NOTE: Chief Judge Trusock refers to not being the assigned judge. However, Judge Trust is not authorized to grant or deny 17th circuit bench disqualification. If anyone, that is Chief Judge Trusock.

NOTE: Mr. Bernard can find no Michigan authority and procedure for any judge, chief or assigned, to disqualify a bench.

- (a) 082521. Chief Judge Trusock again recharacterizes a motion as something else in order to deny it. He bases the denial on his 120920 order, which was a previous recharacterization.

NOTE: His 120920 "reasons" had nothing to do with bench disqualification, as the 14-Attachments were only able to be submitted on 012521.

NOTE: He refers to Judge Redford's "mere presence" and "actual bias of the entire 17th circuit bench." The motions are all about "perception of bias based on grounds of Redford misconduct."

- * Given the total recharacterization, it is unknown what the Court of Appeals and Supreme Court ever considered because neither Court provided a reasoned decision pursuant to MCR 2.517 (4)(i).

NOTE: This is consistent with the KCPD not being a proper party with respect to bench disqualification.

NOTE: This is consistent with the People of the State of Michigan not being against an impartial and competent judge, and correction of a miscarriage of justice.

(10) 042822. Supreme Court denial of application for leave to appeal. See Appendix B.

NOTE: As both the 17th Circuit and 3rd District Court were subject to disqualification, and neither provided a reasoned response pursuant to MCR 2.517 (A)(1), it is unknown what the Michigan Supreme Court actually considered.

NOTE: As Michigan has no bench disqualification procedure, it is unknown what procedure was followed or standards applied.

NOTE: As Michigan has no bench disqualification procedure, it is unknown by what authority any judge denied bench disqualification.

NOTE: Mr. Bernard argues that all appellate courts have a duty to grant dismissal to resolve a miscarriage of justice.

(11) 010423. Supreme Court denial of Motion
For Reconsideration of 042822 Denial
of Leave to Appeal. See Appendix A.

This leaves all issues completely unresolved
and confirms a Michigan complete denial
of pretrial due process protecting rights
to (1) a settled court record, (2) defined
processes for judicial misconduct, judicial
incompetence in the law, and bench
disqualification, (3) and judicial impartiality
where judicial misconduct was a proximate
cause of a miscarriage of justice.

STATE OF MICHIGAN
17th CIRCUIT COURT - KENT COUNTY

* * * * *

STATE OF MICHIGAN,

Plaintiff,

vs

PAUL BERNARD,

Defendant.

HON. GEORGE JAY QUIST

Case No. 04-04787-FC

OPINION/ORDER RE: DEFENDANT'S
MOTION UNDER MCR 6.500 ET SEQ.
RECEIVED ON JUNE 19, 2020

The Court reviewed the above-captioned motion. The Court finds and orders as follows:

1. On May 13, 2005, Defendant was convicted by a jury of the premeditated murder of his ex-wife, Mimi Bernard.
2. On July 25, 2005, Defendant was sentenced to life without the possibility of parole in the Michigan Department of Corrections.
3. On February 8, 2007, the Michigan Court of Appeals affirmed Defendant's conviction and sentence.
4. The Michigan Supreme Court denied Defendant's application for leave to appeal on October 29, 2007.
5. On November 18, 2008, Defendant filed a motion for relief from judgment under MCR 6.500 et seq.
6. On February 23, 2009, this Court, Judge James Robert Redford, issued a thorough, 17-page opinion denying Defendant's motion based on MCR 6.500 et seq.
7. The Michigan Court of Appeals denied Defendant's application for leave to appeal of the Court's February 23, 2009 opinion on May 10, 2010.
8. The Michigan Supreme Court denied Defendant's application for leave to appeal the May 10, 2010 order of the Michigan Court of Appeals on December 3, 2010.

9. The instant motion filed by Defendant under MCR 6.500 et seq is his second or successive motion under MCR 6.500 et seq.
10. Successive motions under MCR 6.500 et seq are governed by MCR 6.502(G). Under MCR 6.502(G) there are two instances when the Court may consider or grant a successive motion: (a) a retroactive change in the law that occurred after Defendant's first 6.500 motion was filed, or (b) new evidence that was not discovered before the first 6.500 motion.
11. Defendant does not argue a retroactive change in the law. Therefore, he is not entitled to relief on that basis.
12. Defendant argues that his motion should be granted based on new evidence. The Court respectfully disagrees. Defendant's motion, brief, and attachments are lengthy. However, when distilled to its essence, Defendant's brief argues that certain timelines, arguments, or theories should have been raised at trial or on appeal. These matters do not constitute "new evidence." Therefore, Defendant is not entitled to relief on this basis.
13. Finally, the Court may waive the requirements of a showing of a retroactive change in the law or new evidence if it concludes there is a significant possibility that the defendant is innocent of the crime. In this case, Defendant claims that he is entitled to relief because there is a significant possibility he is innocent of the crime. Again, the Court respectfully disagrees. As articulated by Judge Redford in his February 23, 2009 opinion, the evidence of Defendant's guilt at trial was overwhelming. The Court adopts and incorporates Judge Redford's opinion by reference. Therefore, Defendant is not entitled to relief on this basis.

Based on the above analysis, Defendant's motion and all of the relief requested in his motion are respectfully **DENIED**.

7-8-20
Date

GEORGE JAY QUIST
Hon. George Jay Quist (P43884)

PROOF OF SERVICE

Service of a copy of this document was made by ordinary mail this date upon the parties who have appeared, or their attorneys of record.

7-8-20
DATE

Marceedes Langlois
Marceedes Langlois, Judicial Clerk

17th CIRCUIT COURT



TRUE COPY

STATE OF MICHIGAN
17th CIRCUIT COURT - KENT COUNTY

Received
Aug. 11, 2020

STATE OF MICHIGAN,

Plaintiff,

vs

PAUL BERNARD,

Defendant.

HON. GEORGE JAY QUIST

Case No. 04-04787-FC

OPINION/ORDER RE: DEFENDANT'S
MOTION TO TOLL MCR 6.502 APPEAL
PROCESS WHILE ATTORNEY GENERAL
CONVICTION INTEGRITY UNIT
PERFORMS REVIEW / TOLL MOTION FOR
RECONSIDERATION

The Court reviewed the above-captioned motion. The Court finds and orders as follows:

1. The motion is respectfully **DENIED**.
2. No further analysis is necessary. MCR 2.517(A)(4).

AUG 6 2020

Date

GEORGE JAY QUIST

Hon. George Jay Quist (P43884)

PROOF OF SERVICE

Service of a copy of this document was made by ordinary mail this date upon the parties who have appeared, or their attorneys of record.

DATE AUG 6 2020

Marcedes Langlois
Marcedes Langlois, Judicial Clerk

17th CIRCUIT COURT



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Rec'd 10-7-20

25

STATE OF MICHIGAN
17th CIRCUIT COURT - KENT COUNTY
* * * * *

STATE OF MICHIGAN,

Plaintiff,

vs

PAUL BERNARD,

Defendant.

HON. GEORGE JAY QUIST

Case No. 04-04787-FC

OPINION/ORDER RE: DEFENDANT'S
MOTION TO DISQUALIFY

The Court has reviewed the following motion submitted by Defendant: Motion to disqualify the 17th Circuit, 3rd District Court of Appeals, and Kent County Prosecutor's Office and Sherriff's Department, and change jurisdiction regarding Mr. Bernard's MCR 6.502 actual innocence motion and restart process.

Defendant's motion is respectfully **DENIED**. No additional analysis is necessary. MCR 2.517(A)(4)

SEP 30 2020

Date

GEORGE JAY QUIST

Hon. George Jay Quist (P43884)

PROOF OF SERVICE

Service of a copy of this document was made by ordinary mail this date upon the parties who have appeared, or their attorneys of record.

SEP 30 2020

DATE

MARCEDES LANGLOIS

Marcedes Langlois, Judicial Clerk

20

17th CIRCUIT COURT



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24
Rec'd 10-7-20

STATE OF MICHIGAN
17th CIRCUIT COURT - KENT COUNTY
* * * * *

STATE OF MICHIGAN,

Plaintiff,

vs

PAUL BERNARD,

Defendant.

HON. GEORGE JAY QUIST

Case No. 04-04787-FC

OPINION/ORDER RE: DEFENDANT'S
MOTIONS FILED ON 9-29-20

The Court has reviewed the following motions submitted by Defendant:

1. Motion for reconsideration, July 8, 2020 Order, September 8, 2020 Order and Opinion;
2. Motion to increase page count under MCR 6.502(C), and amend under MCR 6.502(F);
3. Motion to expand the record under MCR 6.507;
4. Motion to disqualify the Kent County Prosecutor's Office and Kent County Sherriff's' Department due to the 12 missing cell raid pages; and
5. Motion for declaratory judgment as a function of removing taint from the record.

Defendant's motions are respectfully **DENIED**. No additional analysis is necessary. MCR 2.517(A)(4).

SEP 30 2020

Date

GEORGE JAY QUIST

Hon. George Jay Quist (P43884)

PROOF OF SERVICE

Service of a copy of this document was made by ordinary mail this date upon the parties who have appeared, or their attorneys of record.

SEP 30 2020

DATE

MARCEDES LANGLOIS

Marceedes Langlois, Judicial Clerk

21
17th CIRCUIT COURT



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C-6

CHRISTOPHER M. MURRAY
CHIEF JUDGE
JANE M. BECKERING
CHIEF JUDGE PRO TEM
DAVID H. SAWYER
MARK J. CAVANAGH
KATHLEEN JANSEN
JANE E. MARKEY
PATRICK M. METER
KIRSTEN FRANK KELLY
KAREN FORT HOOD
STEPHEN L. BORRELLO
DEBORAH A. SERVITTO
ELIZABETH L. GLEICHER
CYNTHIA DIANE STEPHENS



State of Michigan
Court of Appeals
Grand Rapids Office

MICHAEL J. KELLY
DOUGLAS B. SHAPIRO
AMY RONAYNE KRAUSE
MARK T. BOONSTRA
MICHAEL J. RIORDAN
MICHAEL F. GADOLA
COLLEEN A. O'BRIEN
BROCK A. SWARTZLE
THOMAS C. CAMERON
JONATHAN TUKEL
ANICA LETICA
JAMES ROBERT REDFORD
JUDGES
JEROME W. ZIMMER JR.
CHIEF CLERK

October 2, 2020

Paul Allen Bernard #536729
Chippewa Correctional Facility
4269 West M-80
Kincheloe, MI 49784

Re: **People of MI v Paul Allen Bernard**
Court of Appeals No. N/A
Lower Court No. **04-04787-FC**

Dear Mr. Bernard:

Your papers and letter to Judge Jane M. Beckering have been referred to the Clerk's office for a response because the judges of the Court are prohibited from participating in ex parte communications with individuals. See Michigan Code of Judicial Conduct, Canon 3(A)(4).

Your papers are being returned to you because a search of our records shows no appeal pending in this matter. Additionally, these documents are insufficient to initiate an appeal in this Court.

If you have any questions, please contact this office.

Very truly yours,

Patricia A. Murray
District Clerk

By: 
Brian Dietrich

PAM/bd

DETROIT OFFICE
CADILLAC PLACE
3020 W. GRAND BLVD. SUITE 14-300
DETROIT, MICHIGAN 48202-6020
(313) 972-5678

TROY OFFICE
COLUMBIA CENTER
201 W. BIG BEAVER RD. SUITE 800
TROY, MICHIGAN 48064-4127
(248) 524-8700

GRAND RAPIDS OFFICE
STATE OF MICHIGAN OFFICE BUILDING
350 OTTAWA, N.W.
GRAND RAPIDS, MICHIGAN 49503-2349
(616) 456-1167

LANSING OFFICE
925 W. OTTAWA ST.
P.O. BOX 30022
LANSING, MICHIGAN 48909-7522
(517) 373-0786

STATE OF MICHIGAN
17th CIRCUIT COURT - KENT COUNTY

STATE OF MICHIGAN,

Plaintiff,

vs

PAUL BERNARD,

Defendant.

HON. GEORGE JAY QUIST

Case No. 04-04787-FC

OPINION/ORDER RE: DEFENDANT'S
MOTION FILED ON 10-21-20

The Court has reviewed the following motion submitted by Defendant:

1. Motion to find Judge Quist biased for not disqualifying himself after realizing that presence of trial Judge Redford on Court of Appeals created a perception of bias with the MCR 6.502, disqualify the 17th Circuit, change venue, reverse and dismiss under multiple alternatives or other as will do substantial justice.

Defendant's motion is respectfully **DENIED**. No additional analysis is necessary. MCR 2.517(A)(4)

OCT 23 2020

Date

GEORGE JAY QUIST

Hon. George Jay Quist (P43884)

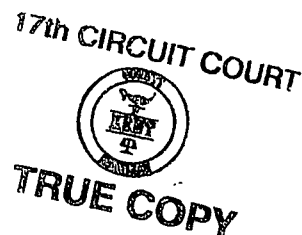
PROOF OF SERVICE

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OCT 23 2020

DATE

Marcedes Langlois
Marcedes Langlois, Judicial Clerk



Rec 31
12/14/20

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

PEOPLE OF THE STATE OF
MICHIGAN,

Case No. 04-04787-FC

Plaintiff,

OPINION AND ORDER
DENYING DEFENDANT'S
MOTION TO DISQUALIFY

vs

PAUL BERNARD,

Defendant.

At a session of said Court, held in the Kent County Courthouse
in the City of Grand Rapids, in said county on December 9, 2020

Present: HON. MARK A. TRUSOCK
Circuit Court Chief Judge

Upon Defendant's Motion, and the Court being otherwise fully informed, it is hereby
ordered and adjudged as follows:

OPINION AND ORDER

October 23, 2020, Hon. George J. Quist denied defendant's motion for disqualification. Defendant has now filed his motion to disqualify in this Court pursuant to MCR 2.003(D)(3)(a)(i).

"A trial judge is presumed unbiased, and the party asserting otherwise has the heavy burden of overcoming the presumption."¹ Adverse rulings by a trial judge against a party, even if later determined to be erroneous, do not constitute a sufficient basis to require disqualification or reassignment.²

After reviewing the Defendant's motion to this court as well as the court record including his original motion to disqualify which was denied by Judge Quist, it is apparent that the Defendant has failed to allege adequate grounds for disqualification. The thrust of the Defendant's complaint is that the Court of Appeals is biased against the Defendant because Judge James R. Redford sits on the Court of Appeals after having been the trial judge in his case and that Judge Quist demonstrated bias in adopting Judge Redford's order

¹ *Mitchell v. Mitchell*, 296 Mich App 513, 523 (2012).

² *In re Contempt of Henry*, 282 Mich App 656, 680 (2009).

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which was entered while he was still the trial judge. This theory lacks both logical merit as well as legal merit.

Judge Quist's decision to adopt an order entered by his predecessor to the bench on a matter already litigated does not demonstrate bias. On the contrary, it demonstrates consistency and is based on sound legal theory. Even if Judge Quist's decision is somehow later determined to be erroneous, this ruling alone is insufficient to constitute a sufficient basis to require disqualification.³

Judgment

Accordingly, **IT IS ORDERED** that Defendant Bernard's Motion for Reconsideration is **DENIED**.

Dated: December 9, 2020

MARK A. TRUSOCK

MARK A. TRUSOCK (P38156)
Chief Circuit Court Judge

17th CIRCUIT COURT

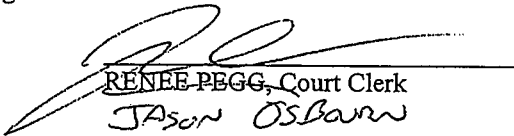


TRUE COPY

ATTEST: A true copy

I do hereby certify and return that I served a copy of the above order upon the parties by placing a copy of said notice in a sealed envelope, addressed to each, and giving said envelope to the Professional Courier Service for delivery or with full postage prepaid thereon and placing said envelope in the United States Mail at Grand Rapids, Michigan.

Dated: December 9, 2020


RENEE PEGG, Court Clerk

JASON OSBORN

³ Id.

STATE OF MICHIGAN
17TH CIRCUIT COURT - KENT COUNTY

PEOPLE OF THE STATE OF MICHIGAN,

HON. GEORGE JAY QUIST

Plaintiff,

Case No. 04-04787-FC

vs

**OPINION/ORDER RE: CHANGE OF
VENUE AND SUCCESSIVE
MOTION FOR RELIEF FROM
JUDGMENT**

PAUL BERNARD,

Defendant,

_____/

At a session of Court, held in the Kent County Courthouse
in the City of Grand Rapids in said county on February 8, 2021

Present: HON. GEORGE JAY QUIST
Circuit Judge

OPINION AND ORDER

The Court has reviewed both of Defendant's motions filed on January 25, 2021. Defendant's motion for change of venue pursuant to MCR 2.003(D)(3)(a) is respectfully **DENIED**. Defendant's successive motion for relief from judgment pursuant to MCR 6.502 is also **DENIED**. No further analysis is necessary pursuant to MCR 2.517(A)(4).

IT IS SO ORDERED.

Date: February 8, 2021

GEORGE JAY QUIST

Hon. George Jay Quist (P43884)


PROOF OF SERVICE

Service of a copy of this document was made by ordinary mail this date upon the parties who have appeared, or their attorneys of record.

FEB - 8 2021

DATE

Marcedes Langlois
Marcedes Langlois, Judicial Clerk

17th CIRCUIT COURT

TRUE COPY



STATE OF MICHIGAN
17TH JUDICIAL CIRCUIT COURT

MARK A. TRUSOCK
CIRCUIT COURT JUDGE

SUITE 11200 B
180 OTTAWA AVENUE NW
GRAND RAPIDS, MICHIGAN 49503-2751

February 23, 2021

Paul Bernard (#536729)
Chippewa Correctional Facility
4269 West M-80
Kincheloe, MI 49784

Re: *People v Bernard*
Kent Docket No. 04-04787-FC

Dear Mr. Bernard:

I received your correspondence, dated February 15, 2021, taking issue with Judge Quist's handling of your recent motions and suggesting I should have forwarded those motions to the State Court Administrator. However, your case is assigned to Judge Quist and your attempts to disqualify him were unsuccessful. This is reflected in the opinion and order I issued on December 9, 2020, denying your motion for disqualification. This was done in my capacity as Chief Judge and based on the procedure in MCR 2.003(D)(3)(a)(i) that you invoked.

If you disagree with the denial of your motion for disqualification, then you may have appellate options under the Michigan Court Rules. Regardless, Judge Quist is currently the assigned judge on your case and handles the motions you file in the 17th Circuit Court, with limited exceptions (such as that which led to my December 9, 2020 opinion and order). I have no basis to step in and issue a decision just because you put my name in the caption of a motion. I also see no basis to forward your motion to the State Court Administrator under MCR 2.003(D)(3)(a)(ii). I am not the assigned judge on your case, and you already invoked the process under MCR 2.003(D)(3)(a)(i) when seeking disqualification of the assigned judge. Accordingly, no further action will be taken in response to your letter.

Respectfully,

Hon. Mark A. Trusock
Circuit Court Chief Judge

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REL 8-27-21

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

PEOPLE OF THE STATE OF
MICHIGAN,

Case No. 04-04787-FC

Plaintiff,

OPINION AND ORDER DENYING
DEFENDANT'S MOTION FOR
RECONSIDERATION

vs

PAUL BERNARD,

REC'D & FILED

Defendant.

AUG 25 2021

HON. MARK A. TRUSOCK
17th CIRCUIT COURT

At a session of said Court, held in the Kent County Courthouse
in the City of Grand Rapids, in said county on AUG 25 2021

Present: HON. MARK A. TRUSOCK
Chief Circuit Judge

Upon Defendant's Motion, and the Court being otherwise fully informed,
it is hereby ordered and adjudged as follows:

OPINION AND ORDER


Defendant Paul Bernard moves for recusal of the entire bench of the 17th Circuit Court. The Court will treat this as a Motion for Reconsideration, as Defendant is repeating arguments already made to this Court and the Court of Appeals. A Motion for Reconsideration must be brought within 21 days of the decision being challenged.¹ The decision being challenged was made on December 9, 2020, over eight months ago. It is untimely.

Additionally, the motion lacks merit for the reasons already explained in the December 9, 2020 Opinion and Order. To the extent Defendant raises new arguments, the Court disagrees with the premise of the motion that the mere presence of a former colleague on the Court of Appeals poisons the entire 17th Circuit Court bench and prevents them from ever issuing a decision on his case. Respectfully, such a result would be absurd and out of line with basic concepts of judicial impartiality.

¹ MCR 2.119(F)(1).

For the foregoing reasons, **IT IS ORDERED** that Defendant's Motion for Reconsideration is **DENIED**.

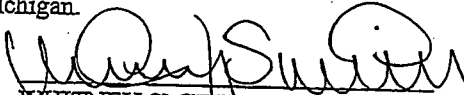
Dated: AUG 25 2021


MARK A. TRUSOCK (P38156)
Circuit Court Chief Judge

ATTEST: A true copy

I do hereby certify and return that I served a copy of the above opinion and order upon the parties by placing a copy of said notice in a sealed envelope, addressed to each, and giving said envelope to the Professional Courier Service for delivery or with full postage prepaid thereon and placing said envelope in the United States Mail at Grand Rapids, Michigan.

Dated: AUG 25 2021


WHITNEY SMITH, Court Clerk

Court of Appeals, State of Michigan

ORDER

People of MI v Paul Allen Bernard

Docket No. 358499

LC No. 04-004787-FC

David H. Sawyer
Presiding Judge

Douglas B. Shapiro

Mark T. Boonstra
Judges

The motion to waive fees is GRANTED for this case only.

The motion to include a copy of defendant's August 2021 motion for disqualification in his appellate appendix is GRANTED.

The application for leave to appeal is DENIED for lack of merit in the grounds presented.

The motion to stay is DENIED.

The motion for disqualification of the judges from this Court's Third District is DENIED for lack of merit in the grounds presented.

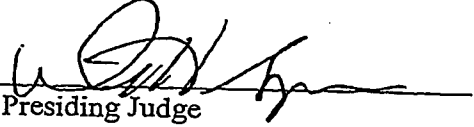
The motion to "confirm actual innocence or the probability thereof" is DENIED.

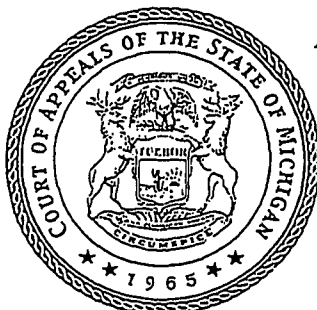
The motion to "establish Judge Redford's Bench and Other Peer Relationships" is DENIED.

The motion relating to Judge Redford's conduct and competence and "to correct and expand the record" is DENIED.

The motion to compel a response from the prosecutor is DENIED.

The motion to certify defendant's disqualification question to the Michigan Supreme Court under MCR 7.308(A)(1) is DENIED.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

January 28, 2022
Date


Chief Clerk

C-46

Court of Appeals, State of Michigan

ORDER

People of MI v Paul Allen Bernard

Docket No. 358499

LC No. 04-004787-FC

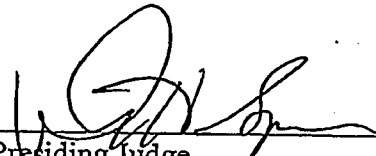
David H. Sawyer
Presiding Judge

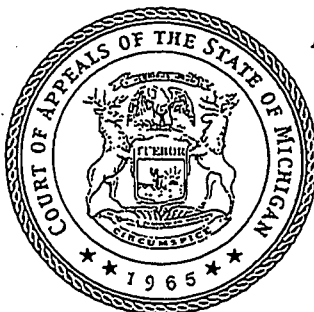
Douglas B. Shapiro

Mark T. Boonstra
Judges

GRANTED. The motion to allow slight page rearrangement to conform to total page count is

The motion for reconsideration is DENIED.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

March 15, 2022

Date


Chief Clerk

c-17

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**Additional material
from this filing is
available in the
Clerk's Office.**