

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



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LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

January 21, 2021

Scott Harris, Clerk
United States Supreme Court
One First Street, N.E.
Washington, D.C. 20543

Re: *Mike Brown v. Ervine Davenport*, No. 20A116 (Application for Stay)

To the Clerk:

Acting Warden Mike Brown (the State) has filed a petition for a writ of certiorari in this habeas corpus action (20-826). The State has also requested that this Court stay the Sixth Circuit Court of Appeals' mandate, which requires the State either release or retry respondent Ervine Davenport by May 4, 2021.

Within its analysis, the State noted that, to curb the spread of the global COVID-19 pandemic, the jurisdiction in which Davenport must be retried currently prohibits jury trials. The State attached to the application an administrative directive from the Kalamazoo County courts suspending all in-person jury trials until February 1, 2021. (See Appendix H to the State's application for stay.)

That prohibition has now been extended. Two days ago, on January 19, 2021, the Kalamazoo County courts issued another administrative directive, this time suspending jury trials until April 12, 2021. (See 1/19/21 Administrative Directive, attached to this letter.)

The State wishes to bring this additional development to the attention of the Court regarding its pending application to stay the mandate.

Sincerely,

/s/ Fadwa A. Hammoud
Fadwa A. Hammoud
Michigan Solicitor General

FAH:hlg
Enclosures
cc: Tasha J. Bahal

STATE OF MICHIGAN

ALEXANDER C. LIPSEY
Circuit Court Judge
Chief Circuit/Probate Judge



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NINTH JUDICIAL CIRCUIT COURT
TRIAL DIVISION

ADMINISTRATIVE DIRECTIVE

Suspending Jury Trials

Whereas, Kalamazoo County has continued to experience a significant number of confirmed novel coronavirus (COVID-19) cases these past several weeks, and,

Whereas, guidelines as set forth by the State Court Administrative Office, and as stated in our Joint In-Person Jury Proceedings, Local Administrative Order, of the Kalamazoo County 9th Circuit Court, and Probate Court, provide for when the Courts can hold in-person jury trials; and,

Whereas, pursuant to that guidance, the Courts cannot conduct in-person jury trials if local health department data (or data available on the MiStart Map) show Kalamazoo County's 7-day average at more than 70 COVID-19 cases per million per day; and,

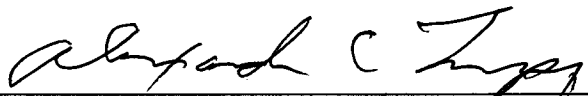
Whereas, Kalamazoo County is currently experiencing numbers that exceed that threshold, and are projected to continue to do so for an extended period of time; and,

Whereas, due to the level of COVID-19 positive cases in Kalamazoo County, the Courts cannot currently move forward with in-person jury trials.

Now, therefore, in consideration of the extent of the COVID-19 virus present in Kalamazoo County, and the need to provide for the health and safety of jurors, and all others who participate in Jury Trials,

IT IS ORDERED THAT the Circuit Court and Probate Court will extend the period of jury trial suspension until at least April 12, 2021.

Date: January 19, 2021



Alexander C. Lipsey, Chief Circuit/Probate