

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

James Anthony Hale - PETITIONER

VS.

Russ Rurka - RESPONDENT(S)

PETITIONER'S APPENDIX

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Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V JAMES ANTHONY HALE

Docket No. 375008

LC No. 87-003654-01-FC

Christopher M. Murray
Presiding Judge

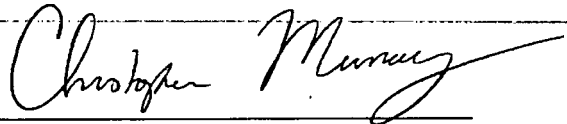
James Robert Redford

Randy J. Wallace
Judges

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

The delayed application for leave to appeal is DENIED because defendant has failed to establish that the trial court erred in denying the successive motion for relief from judgment.

The motion to remand is DENIED.


Presiding Judge



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

May 29, 2025
Date


Chief Clerk

APPENDIX A

STATE OF MICHIGAN
IN THE THIRD CIRCUIT COURT FOR THE COUNTY OF WAYNE
CRIMINAL DIVISION

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff,

v.

Case No: 87-003654-01-FC
Hon. Mariam S. Bazzi
As successor judge for
Judge Craig Strong

James Hale,

Defendant.

**ORDER DISMISSING THE
DEFENDANTS MOTION FOR RELIF FROM JUDGEMENT**

At a session of Court held at the Frank Murphy Hall of
Justice in the City of Detroit, Wayne County, Michigan,
on: February 6, 2025

PRESENT: HON. MARIAM S. BAZZI

This matter comes before the Court on the defendant's third motion for relief from judgment pursuant to MCR 6.500 *et seq.* The Court being advised in the premises and after a review of the court record finds and orders as follows:

MCR 6.502(G) states in part: "that regardless of whether a defendant has previously filed a motion for relief from judgment, after August 1, 1995, one and only one motion for relief from judgment may be filed with regard to a conviction. The only exception to the rule is under subrule (G)(2) which states that 'a defendant may file a second or subsequent motion based on a retroactive change in the law that occurred after the first motion from judgment or a claim of new evidence that was not discovered before the first motion.'" MCR 6.502 (G)(2). In *People v. Johnson*, the Michigan Court of Appeals stated the following:

APPENDIX B

87-003654-01-FC
CRDMRJ
Order Denying Motion for Relief from Judgment
1204535



2a

A defect in the court's subject-matter jurisdiction can be raised at any time, including in a successive motion brought under MCR 6.502(G). See *Washington*, 508 Mich. at 132, 972 N.W.2d 767 (“Unlike other errors that a defendant eventually loses the ability to raise, the lack of subject-matter jurisdiction cannot be ignored for purposes of finality because the existence of subject-matter jurisdiction goes to the trial court's very authority to bind the parties to the action at hand.”)

People v. Johnson, 345 Mich. App. 51, 58–59, 3 N.W.3d 846, 849 (2022).

Defendant now files a third motion for relief from judgment, arguing that the Court lacks subject-matter jurisdiction in the above captioned case. Specifically, the Defendant argues that the District Court Magistrate and Circuit Court Judge failed to take notice of their lack of subject-matter jurisdiction in violation of his due process rights under the state and federal constitutions. The crux of the Defendant's argument is that because the district court arraigned him without legal counsel, it did not obtain jurisdiction from an improper complaint and warrant and thus had no jurisdiction to conduct a criminal proceeding against him. The court records reflect the defendant was in fact represented by counsel at the arraignment. The Court file contains a “Return to Circuit Court”, which lists the Defendant's arraignment as having occurred on April 4, 1987 and his attorney as Henry Greenwood. Further, Defendant has previously raised a subject matter jurisdiction challenge that was decided against him¹.

Even assuming the defendant can show he was unrepresented at arraignment, he is still not entitled to the relief he seeks. “The circuit court has jurisdiction over all felonies from the bindover from the district court unless otherwise provided by law.” MCR 6.008. Moreover, “[s]ubject-matter jurisdiction is a legal term of art that concerns a court's authority to hear and determine a case.” *Bowie v Arder*, 441 Mich. 23, 36, 490 N.W.2d 568 (1992). This authority is “not dependent on the particular facts of the case” but, instead, is dependent on the character or class of the case pending.” *People v Lown*, 488 Mich. 242, 268, 794 N.W.2d 9 (2011). *People v. Washington*, 508 Mich. 107, 121, 972 N.W.2d 767, 773–74 (2021).

¹ *People v. Hale*, Order, 03-23-2010.

The Defendant's contention that he was unrepresented at arraignment and thus the Court lacks subject-matter jurisdiction does not have a basis in law. (Defendant's failure to properly argue the merits of the issue results in it being abandoned. *People v. King*, 297 Mich. App. 465, 474, 824 N.W.2d 258 (2012).) Moreover, even assuming he was unrepresented at the district court arraignment, his argument does not establish that but for the alleged error, he would have had a reasonably likely chance of acquittal as required by the Court rule.

The Defendant does not present a real jurisdictional defect as required to survive under MCR 6.508(D)(3) and thus the Defendant's motion is without merit. For the reasons stated above, defendant's third motion for relief from judgment is hereby dismissed.



Hon. Mariam S. Bazzi

Order

Michigan Supreme Court
Lansing, Michigan

September 26, 2025

Megan K. Cavanagh,
Chief Justice

168683

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 168683
COA: 375008
Wayne CC: 87-003654-FC

JAMES ANTHONY HALE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 29, 2025 order of the Court of Appeals is considered, and it is DENIED, because the defendant's motion for relief from judgment is prohibited by MCR 6.502(G).



a0922

I, Elizabeth Kingston-Miller, 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 26, 2025

Elizabeth Kingston-Miller
Clerk

APPENDIX C

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CITY OF DETROIT

STATE OF MICHIGAN

COMPLAINANT: SMITH, ISIAH,

HALE, JAMES, ANTHONY

LPD NUMBER 406628

SID NUMBER 1214061T

DATE OF EVENT	EVENT DESCRIPTION
MARCH 26, 1987	WARRANT SIGNED WARRANT JUDGE: ROYSTER, C LORENE REPORTER: ** UNKNOWN REPORTER
APRIL 4, 1987	ARR-WRNT REMANDED TO JAIL - NO BOND DEFENDANT STANDS MUTE; PLEA OF NOT GUILTY ENTERED BY COURT JUDGE: GRAY, JIMMYLEE NO CHANGE REPORTER: WHITBY, RUTH, CERT#: 0457 NEXT SCHEDULED PROCEEDING: EXAM-AM ON APRIL 15, 1987 BEFORE JUDGE HATHAWAY, WILLIAM J
APRIL 15, 1987	EXAM BOND CONTINUED PROCEEDING WAS ADJOURNED AT THE REQUEST OF THE DEFENSE JUDGE: HATHAWAY, WILLIAM J RETAINED COUNSEL : GREENWOOD, HENRY L PROSECUTION : HEALY, ROBERT H REPORTER: MOONEY, MERLE, CERT#: 2505 BAIL WAS FIXED AT \$0.00
APRIL 15, 1987	FILING TO WAIVE THE 12 DAY RULE SIGNED AND FILED JUDGE: HATHAWAY, WILLIAM J REPORTER: ** UNKNOWN REPORTER
APRIL 15, 1987	FILING FOR DISCOVERY SIGNED AND FILED JUDGE: HATHAWAY, WILLIAM J REPORTER: ** UNKNOWN REPORTER NEXT SCHEDULED PROCEEDING: EXAM-AM ON APRIL 20, 1987 BEFORE JUDGE FELONY, UNASSIGNED,
APRIL 20, 1987	EXAM BOND CONTINUED PROCEEDING HELD; DEFENDANT WAS BOUND OVER JUDGE: HATHAWAY, WILLIAM J RETAINED COUNSEL : GREENWOOD, HENRY L PROSECUTION : HEALY, ROBERT H REPORTER: HYLAND, PATRICIA CERT#: 0453 BAIL WAS FIXED AT \$0.00 NEXT SCHEDULED PROCEEDING: ARRAIGNMENT ON INFORMATION ON MAY 4, 1987 BEFORE JUDGE ROBBERSON, DALTON A

(C O N T I N U E D)

APPENDIX D

6a



KYM L. WORTHY
PROSECUTING ATTORNEY

JEROME CRAWFORD
CHIEF ASSISTANT

DONN FRESARD
CHIEF OF STAFF

COUNTY OF WAYNE
OFFICE OF THE PROSECUTING ATTORNEY
DETROIT, MICHIGAN

1200 FRANK MURPHY HALL OF JUSTICE
1441 ST. ANTOINE STREET
DETROIT, MICHIGAN 48226-2302

TEL: (313) 224-5777
FAX: (313) 224-0974

May 10, 2017

Mr. Scott Lewis
Scott Lewis Private Investigations
18530 Mack Avenue #134
Grosse Pointe Farms, MI 48236

Re: FREEDOM OF INFORMATION ACT REQUEST OF APRIL 12, 2017

[REDACTED], Wayne County Circuit Court Case [REDACTED]

DENIAL OF FOIA REQUEST

Dear Mr. Lewis:

The above request has been received and reviewed. Our office conducted a diligent search to locate the prosecutor's file for People v. [REDACTED], Wayne County Circuit Court Case [REDACTED] at our offsite storage facility where all of our archive files are stored. Unfortunately, we must deny your request because we could not locate the prosecutor's file. Also, the predecessor over the administration of records for the Wayne County Prosecutor's Office made a managerial decision to destroy all pre-1995 records as a solution for the lack of shortage space where the archived office files are warehoused. Therefore, the file you requested may have been included in the confidential destruction in a routine purge of records.

If you are dissatisfied with the resolution of your request, you have the right to do either of the following:

- (1) Submit a written appeal to the County of Executive, which specifically states the word "appeal" and states the reason or reasons the denial should be reversed;

OR

- (2) Commence an action in the circuit court to compel disclosure. Should you prevail, you will be entitled to have reasonable attorneys' fees, costs and disbursements assessed against the County by the court. If you or the County prevails in part, the court may, in its discretion, award you all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. If the

Mr. Scott Lewis
Scott Lewis Private Investigations
Page 2
May 10, 2017

court determines that the County has been arbitrary and capricious in its denial, you will also be entitled to punitive damages in the amount of \$1,000.00.

Sincerely,

Barbara Brown

Barbara Brown
FOIA Officer
Wayne County Prosecutor's Office

Denial Approved:

Wayne County Prosecutor's Office

Date: May 10, 2017

¹ The legally required posting of the "Wayne County Freedom of Information Act Procedures & Guidelines," as well as the "Wayne County Summary of FOIA Procedures & Guidelines," are available for viewing under the "Public Records" section of the County's website at the following web address:
<http://waynecounty.com/county/foia.htm>