

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

James Anthony Hale - PETITIONER

VS.

Russ Rurka - RESPONDENT(S)

PETITIONER'S APPENDIX

## INDEX OF APPENDIX

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Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V JAMES ANTHONY HALE

Docket No. 375008

Christopher M. Murray  
Presiding Judge

LC No. 87-003654-01-FC

James Robert Redford

Randy J. Wallace  
Judges

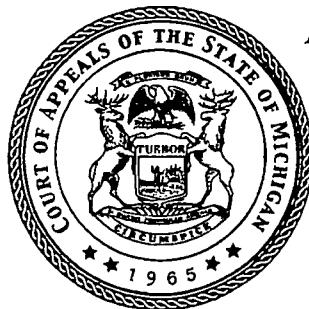
The motion to waive fees is GRANTED for this case only.

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:

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

**APPENDIX B**



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 him<sup>1</sup>.

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).

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<sup>1</sup> *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.



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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

JAMES ANTHONY HALE,  
Defendant-Appellant.

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

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).



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.

a0922

September 26, 2025

APPENDIX C

Clerk

*Elizabeth Kingston-Miller*

5a

## CITY OF DETROIT

## STATE OF MICHIGAN

COMPLAINANT: SMITH, ISIAH,

HALE, JAMES, ANTHONY

LPP NUMBER 406628

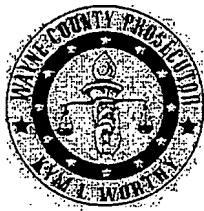
SID NUMBER 1214061T

## 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 ROBERSON, DALTON A

(C O N T I N U E D)



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

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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>