

**UNITED STATES
SUPREME COURT**

James McDonald III, Petitioner,

Lower Ct. No.: 25-000866-AV

C.O.A No.: 377041

Mi. Sup. Ct. No.: 169126

US. S.Ct. No.:

v.

People of The State of Michigan, Respondant

PETITION FOR A WRIT OF CERTIORARI

APPENDIX

1. 63rd District Court Register of action
2. 17th Judicial Circuit Court Orders
3. Michigan Court of Appeals Order
4. Michigan Supreme Court Order

**STATE OF MICHIGAN
IN THE 17TH CIRCUIT COURT FOR KENT COUNTY**

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

Case No. 25-00866-AV

v.

Hon. Scott A. Noto

JAMES MCDONALD, III,

Defendant-Appellant.

OPINION

At a session of said Court, Kent County Courthouse, City of Grand Rapids, County of Kent, State of Michigan on June 24, 2025.

Present: Hon. Scott A. Noto
Circuit Court Judge

On June 29, 2024, Appellant was issued three traffic citations following a legal traffic stop. A formal hearing was held on January 27, 2025, where Appellant was found responsible for Driving Without Proof of Insurance and Improper Attachment of Display of Plate. Prior to the formal hearing, Appellant filed numerous motions, including a January 6, 2025, Motion to Dismiss and a September 3, 2024, 'Motion to Appear.' At the formal hearing, the Motion to Dismiss was denied, finding the State of Michigan was a proper party per MCL 600.1905. Appellant's Motion to Appear¹ was also denied, finding Appellant's Jeep fell under the definition of a "motor vehicle" per MCL 257.33 and that his traffic citation was properly issued per MCR 4.101.

On appeal to this Court, Appellant argues that the district court abused its discretion in failing to consider and denying Appellant's motions. An abuse of discretion occurs when the trial

¹ This motion was treated as a Motion to Dismiss by Judge Holtz, based on the substantive material arguments made in the motion.

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JUN 24 2025
HON. SCOTT NOTO
17TH CIRCUIT COURT

court chooses an outcome falling outside the permissible principled range of outcomes. *People v Babcock*, 469 Mich 247, 269; 666 NW2d 231 (2003).

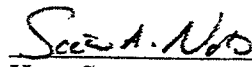
The Court disagrees. Law enforcement issued Appellant legal traffic citations stemming from a June 29, 2024, traffic stop. MCL 600.1905 states that the form of all summons shall be "In the name of the people of the state of Michigan." As Appellant's traffic citations were properly filed, the lower court did not err in denying Appellant's Motion to Dismiss.

Appellant also argues he was not "operating" but "driving" his vehicle, and therefore, his vehicle does not meet the federal definition of "motor vehicle." MCL 257.36(a) defines "operator" as a person who "operates a motor vehicle upon a highway or street." MCL 257.13 defines "driver" as "every person who drives or is in actual physical control of a vehicle." Appellant was observed by law enforcement driving a Jeep when the traffic stop was initiated. Accordingly, the lower court did not err in denying Appellant's Motion to Appear.

Lastly, Appellant argued an illegal search and seizure of his vehicle. Appellant did not produce a driver's license or proof of insurance, a misdemeanor offense. See MCL 257.901. A police officer may make an arrest without a warrant if a misdemeanor is committed in the officer's presence. MCL 764.15. Appellant was lawfully arrested and his vehicle impounded incident to arrest. Appellant presents no legal argument that the inventory search was conducted outside the standard procedures of the Kent County Sheriff's Department inventory policy, nor cites any Michigan statute or relevant caselaw.

For the foregoing reasons, the decision of the lower court is AFFIRMED.

IT IS SO ORDERED.



Hon. Scott A. Noto
Circuit Court Judge

PROOF OF SERVICE

I certify this date that copies of the Order were served on the parties and/or their attorneys
by email ~~ordinary mail~~ at their last known addresses. —

Date: 6/25/25

Brian Kepps
Deputy County Clerk

proceedings in the case appealed, and the exhibits introduced." MCR 7.210(A)(1). Therefore, Defendant is not entitled to discovery on appeal.

Next, Defendant argues that his Motion to Appear was misinterpreted as a Motion to Dismiss during the January 27, 2025 hearing. Generally, "a motion for rehearing or reconsideration which merely presents the same issues ruled on by the court, either expressly or by reasonable implication, will not be granted." MCR 2.119(F)(3). Defendant's argument was previously presented and denied on appeal. Accordingly, this Court did not commit a palpable error in denying Defendant's brief on appeal and finds no basis for altering on reconsideration the opinion and order previously decided.

For the foregoing reasons, Defendant's Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

Scott A. Noto

Hon. Scott A. Noto
Circuit Court Judge

PROOF OF SERVICE

I certify this date that copies of the Order were served on the parties and/or their attorneys by ordinary mail at their last known addresses.

Date:

8/11/25

Briana Krapp

Deputy County Clerk

Order

Michigan Supreme Court
Lansing, Michigan

December 19, 2025

169126

Megan K. Cavanagh,
Chief Justice

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: 169126
COA: 377041
Kent CC: 25-000866-AV

JAMES MCDONALD, III, also known as
JAMES MACDONALD, III, also known as
JAMES MCDONALDS, III,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 5, 2025 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.



s1215

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.

December 19, 2025

Elizabeth Kingston-Miller
Clerk

Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V JAMES MCDONALD III

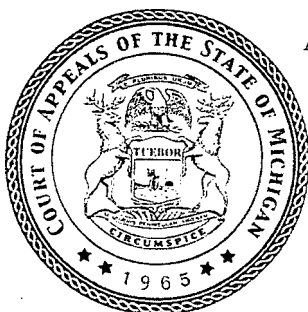
Docket No. **377041**

LC No. **25-000866-AV**

Michael F. Gadola, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is **DISMISSED** for lack of jurisdiction because the order of the circuit court on appeal from the district court is not appealable as a matter of right. MCR 7.203(A)(1)(a). An appeal from an order of the circuit court on appeal from another court must come by application for leave to appeal under MCR 7.205. MCR 7.203(B)(2).

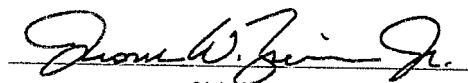




A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

September 5, 2025

Date


Chief Clerk

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