

STATE OF MICHIGAN
IN THE 77TH DISTRICT COURT FOR THE COUNTY OF MECOSTA

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff,

File No.: 05-30751SD
Honorable Susan H. Grant
District Court Judge

v

MATT SIMS,
Defendant.

Peter M. Jaklevic (P49075)
Mecosta County Prosecuting Attorney
400 Elm Street
Big Rapids, MI 49307
(231) 592-0141

James R. Samuels (P32445)
Attorney for Defendant
305 South Warren Ave.
Big Rapids, MI 49307
(231) 796-8858

MOTION FOR STAY OF PROCEEDINGS

NOW COMES the Defendant, by and through his attorney of record, and hereby moves this honorable Court to stay the proceedings in this matter pending an appeal to the Court of Appeals. In support of his Motion, the Defense states:

1. On November 3, 2005, Defendant was arrested and charged with Operating While Intoxicated.
2. That Defendant filed a Motion to Suppress January 20, 2006 asserting a Constitutional violation, specifically, his 4th Amendment rights.
3. The Court heard the Motion on March 28, 2006 and denied the Motion to Suppress.

4. Defendant appealed the District Court decision and filed his Application for Leave to Appeal on April 27, 2006 with the 49th Circuit Court.
5. The Honorable Scott Hill-Kennedy heard the appeal and affirmed the District Court decision. Judge Hill Kennedy signed the Order on Appeal August 1, 2006.
6. Defendant firmly believes that his Constitutional rights were violated and will file a timely appeal with the Court of Appeals on August 14, 2006.
7. Pursuant to MCR 7.209(E)(1), Defendant moves this Court to stay the proceedings of this Court until the Court of Appeals rules on this constitutional issue.

WHEREFORE, Defendant prays that this Court will enter an order to stay the proceedings so that he can present his case to the Court of Appeals for review.

Date:

SAMUELS LAW OFFICE
BY: Steven C. Benson (P59238)
Attorney for the Defendant