

**Michigan Supreme Court
State Court Administrative Office**

309 N. Washington Square, P.O. Box 30048

Lansing, Michigan 48909

(517) 373-2222 TEL

(517) 373-2112 FAX

Email Ferryj@Jud.state.mi.us

John D. Ferry, Jr., State Court Administrator

MEMORANDUM

DATE: July 3, 2002

TO: All Judges

FROM: John D. Ferry, Jr.

SUBJ: Tesmer, et al vs. Granholm, et al; U. S. Sixth Circuit
Court of Appeals; Case Nos. 00-1824/1845

The U. S. Sixth Circuit Court of Appeals has dissolved the injunction issued by the U. S. District Court in the above entitled matter. The District Court's grant of declaratory relief has been reversed and vacated and the matter has been remanded with instructions to enter judgment in favor of defendants.

This case centered on whether the federal constitution requires appointment of counsel to assist indigent defendants who wish to apply for leave to appeal, where Const. 1963, Art. 1, Sec. 20, as amended in 1994, provides that persons who plead guilty may appeal by leave of court, only, under most circumstances. The Circuit Court held that it does not.

The Sixth Circuit decision can be found at:

<http://pacer.ca6.uscourts.gov/cgi-bin/getopn.pl?OPINION=02a0220p.06>