

**STATE OF MICHIGAN
IN THE SUPREME COURT**

In Re Contempt of KELLY MICHELLE DORSEY,

Respondent/Appellant,

Supreme Court No.: 150298

Court of Appeals No.: 309269

Livingston County Juvenile Court
Family Division, 44th Circuit Court
Case No.: 08-012596-DL

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150298
**ANSWER OPPOSING APPLICATION
FOR LEAVE TO APPEAL**

Plaintiff-Appellee, the People of the State of Michigan, through the Livingston County Prosecuting Attorney, and, in opposition to Respondent-Appellant's Application for Leave to Appeal, state the following:

1. As part of her son's juvenile adjudication, the family court entered an order requiring appellant, Kelly Michelle Dorsey, to submit to random drug screens at the request of the probation department.

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LARRY S. ROYSTER
CLERK
MICHIGAN SUPREME COURT

2. The judge found appellant in criminal contempt after she refused to comply with the order, and she was sentenced to 93 days in jail, ordered to pay \$200 in costs, \$120 in attorney's fees, and \$500 in fines.

3. Appellant appealed by right the contempt order entered by the family court, and the Court of Appeals affirmed. *In the Matter of Contempt of Kelly Michelle Dorsey*, published per curiam opinion of the Court of Appeals issued September 9, 2014 (Docket No. 309269).

3. Appellant has filed a timely application for leave to appeal, raising the same issues in this Court that she raised in the Court of Appeals: **(a) jurisdiction**; however, the family court was entitled to render orders affecting adults which were necessary for the physical, mental, or moral well-being of appellant's son; **(b) no opportunity for meaningful review of the court's order**; however, the order was in place for a year before appellant contested its origin. Therefore, appellant waived this challenge; and **(c) insufficient evidence**; however, the clerical mistake the trial court referred to was the checking of the "preponderance of evidence box," not the applicable burden of proof, and Supreme Court precedent holds that it is no defense that the contemnor violated a court order on the advice of counsel, much less a contemnor who merely intends to seek the advice of counsel.

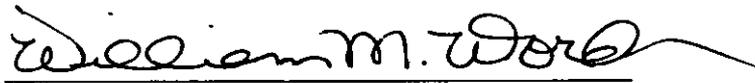
4. Appellant's arguments are meritless, for the reasons stated in the Court of Appeals opinion and in Plaintiff-Appellee's brief filed in the Court of Appeals, copies of which are attached to this answer and incorporated by reference. See **Exhibit A** and **Exhibit B**.

5. The People thus submit that this case does not present a basis under MCR 7.302(B) for this Court to grant discretionary review.

The People ask this Court to **deny** Defendant-Appellant's Application for Leave to Appeal.

Respectfully submitted,
WILLIAM J. VAILLIENCOURT, JR. (P39115)

Dated: November 17, 2014

A handwritten signature in black ink that reads "William M. Worden". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

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