

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

UNPUBLISHED
January 31, 2012

v

KYLE FREDERICK WILKERSON,

Defendant-Appellant.

No. 300052
Wayne Circuit Court
LC No. 10-003123-FC

Before: GLEICHER, P.J., and CAVANAGH and O’CONNELL, JJ.

O’CONNELL, J. (*concurring in part and dissenting in part*).

I concur with the result reached by the majority opinion. I respectively dissent to certain implications contained in the majority opinion. The trial court made a complete record, with detailed reasons why the late request for an adjournment was being denied, and, after conducting a thorough evidentiary hearing, made a principled decision to deny defendant’s request for an adjournment. Rather than imply malfeasance, the majority should respect the trial court’s efforts to protect defendant’s right to retained counsel of choice as balanced against the court’s and public’s need for the prompt and efficient administration of justice.¹

I independently conclude that the denial of defendant’s last minute request for an adjournment did not result in a violation of defendant’s Sixth Amendment rights. I would affirm, without the majority’s pejorative comments, the learned trial court’s principled decisions in this matter.

/s/ Peter D. O’Connell

¹ I concur with the majority’s conclusion that defendant did not articulate a “justifiable request” (reason) for a continuance to allow Sharpe’s participation in the trial. But, I note that since no justifiable reason for the continuance was articulated by the defendant, the trial court was well within its latitude to conclude that defendant’s request for a continuance was simply a delay tactic.