

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ERIC SHERIDAN,

Defendant-Appellee,

and

RICHARD L. CUNNINGHAM,

Appellant.

UNPUBLISHED

June 12, 1998

No. 201233

Recorder's Court

LC No. 97-000894

Before: Wahls, P.J., and Jansen and Gage, JJ.

MEMORANDUM.

Appellant Richard L. Cunningham appeals by leave granted the decision reducing defendant's bail without giving notice to the crime victim. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was charged with first-degree home invasion and felony-firearm after he was apprehended inside appellant's residence. Bond was set at \$10,000 cash. At the preliminary examination, the 36th District Court denied defendant's motion to reduce bond. At rehearing, the court expressed the opinion that bond should have been reduced, but noted that the district court no longer had jurisdiction, as the matter was bound over to Recorder's Court. Appellant victim was given notice and appeared at the district court proceedings.

On the same day that the district court denied rehearing, defendant sought review of the bond decision in Recorder's Court, pursuant to MCR 6.106(H). Appellant was not notified of the proceedings. After consultation with the district court, the Recorder's Court reduced the bond to \$5,000, with a 10% provision.

Plaintiff moved for rehearing, which was held the next day. Appellant appeared at that hearing, and requested that the bond reduction order be set aside and a new hearing held. Appellant argued that the bond did not contain adequate conditions. The court recounted the process it followed in reducing the bond, and stated that it was satisfied with its decision, but that appellant or the prosecutor could notice the issue for hearing before the arraignment judge.

This Court granted appellant's application for leave to appeal, limited to the issue of whether a crime victim has independent standing to assert rights under Const 1963, art 1, § 24.

Standing requires that a party have a legally protected interest in jeopardy of being adversely affected in a manner differently than the citizenry at large. *People v Yeoman*, 218 Mich App 406, 420; 554 NW2d 577 (1996). Const 1963, art 1, § 24 provides crime victims with enumerated rights including the right to notification of all court proceedings, the right to attend trial, the right to confer with the prosecution, and the right to make a statement to the court at sentencing. It further provides that the Legislature may provide by law for the enforcement of the section. The Crime Victim's Rights Act, MCL 780.756(2); MSA 28.1287(756)(2), provides that if requested by the victim, the prosecuting attorney shall give the victim notice of any scheduled court proceedings.

There is no indication that § 24 or the Crime Victim's Rights Act was intended to grant a crime victim standing independent of the prosecutor to assert rights under § 24. The Crime Victim's Rights Act does not purport to confer general remedial rights on victims or prosecutors. *People v Pfeiffer*, 207 Mich App 151, 157; 523 NW2d 640 (1994). A prosecutor's failure to give required notice of proceedings to the victim does not invalidate a court's action, such as imposing sentence. *Id.*, 160. Where the bond decision was subject to rehearing, at which appellant appeared, and was also subject to de novo review at the arraignment on information, MCR 6.106(H)(2)(b), the constitutional provision could be adequately enforced without allowing independent standing for the crime victim.

Affirmed.

/s/ Myron H. Wahls

/s/ Kathleen Jansen

/s/ Hilda R. Gage