

**STATE OF MICHIGAN  
IN THE 44<sup>TH</sup> CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON**

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PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff,

Case No. 19-025618-FH  
Hon. Suzanne Geddis

v

RROK DEDIVANAJ,  
Defendant.

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William J. Vaillencourt, Jr. (P39115)  
Livingston County Prosecuting Attorney  
By: Michael D. Taylor (P79497)  
210 S. Highlander Way  
Howell, Michigan 48843  
517-546-1850

Michael P. Manley (P43726)  
Attorney for Defendant  
1434 Mott Foundation Bldg.  
502 S. Saginaw St.  
Flint, Michigan 48502  
810-238-0500

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**ORDER FOLLOWING HEARING ON DEFENDANT'S MOTION TO QUASH**

At a session of the 44<sup>th</sup> Circuit Court,  
held in the City of Howell, Livingston County,  
on the 26 day of July, 2019.

PRESENT:     HON. SUZANNE GEDDIS  
                  CIRCUIT COURT JUDGE

**THIS MATTER HAVING COME BEFORE THE COURT** on Defendant's Motion to Quash, and the parties having briefed the matter, this Court having reviewed the filings and the transcripts from the preliminary exam, and the parties having appeared by and through their respective counsel on July 25, 2019, and this Court being otherwise fully advised in the premises;

**NOW THEREFORE IT IS ORDERED:**

A circuit court reviewing a district court bind over on a motion to quash must look at the four corners of the transcript. The transcript from the preliminary exam reveals that the District Court, after hearing the evidence put on by the parties regarding the five charged counts of criminal sexual conduct in the third degree (by force or coercion), concluded that the evidence presented showed a combination of consent by the complainant and coercion by Defendant. A combination of consent and coercion is not legally sufficient to support the element of force or coercion in the charged counts, and it is not sufficient to warrant binding the case over to Circuit Court. Therefore, the bind over by the District Court was an abuse of discretion.

For those reasons, the bind over is hereby quashed, and the case is dismissed in its entirety. **This is a final order and closes the case.**

**IT IS SO ORDERED.**



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Hon. Suzanne Geddis (P35307)  
Circuit Court Judge