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Prosecutor

NEWS

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**Circuit Court Rules Kuhn Not Eligible for
Oakland County Prosecutor:
Larry Leib Proud to have successfully defended the Strict Construction
of the Michigan Constitution & Separation of Powers**

Today's ruling by Judge Daniel O'Brien declaring Judge Richard D. Kuhn Sr. ineligible for Oakland County Prosecutor reaffirmed the plain meaning of the Constitution, the Separation of Powers doctrine, and the public trust that the judiciary is "above politics". The ruling centered around this simple provision of the Constitution:

Const 1963, art 6, § 21: **Any justice or judge** of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service and for one year thereafter.

Kuhn argued that performing "judicial duties" was somehow not the same as being a "judge". However, the Leib campaign believed that the provision was designed to protect the "separation of powers" under the Michigan Constitution, regardless how the judge derived his powers. This is a valuable consideration unto itself, regardless of the politics of the situation.

Imagine a judge - whether young or "retired" but sitting as a "visiting judge" - that decides months in advance to run for an important partisan office but keeps on performing his judicial duties right up until declaring his candidacy. The public's confidence is eroded when the judge's ruling might be tainted by even the appearance of political temptations to "appear tough" or even show leniency. Particularly in high profile cases, a judge planning such a campaign might alter his decision to appear better politically. It might even be unintentional and subconscious, or as Judge O'Brien even the "appearance to the people" - hence the wisdom of the protection found in Article VI, Section 21.

Larry Leib made the following statement. "This was not about the judge personally. The law was meant to protect the people against the dangers of a lack of separation of powers and to maintain a judiciary that is 'above politics'. It's about protecting the Constitution as strictly construed through its plain language."

More details on this developing story can be obtained by calling either Leib at the number above or 248-930-7766 if unavailable and immediate comment is required.

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