

Ingham County  
Prosecuting Attorney

2007 Annual Report

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## LETTER TO THE CITIZENS OF INGHAM COUNTY

Stuart Dunnings III  
Ingham County Prosecutor  
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Dear Citizens:

It is not the Prosecutor's job to secure a conviction; it is the prosecutor's job to secure justice. . .

There are numerous checks on a Prosecutor's power to approve or deny criminal charges: Judges, juries and criminal defense attorneys all play an important role in our system. However, the drafters of our state constitution intended for the elected County Prosecutor to play a significant role in this process, and that is a role I take very seriously.

The Ingham County Prosecutor's office reviews about 12,000 criminal complaints each year. I don't believe there is such a thing as a routine case. Every one of these 12,000 cases is important to the victims and the parties involved, and as such they are important to me and my staff.

Our office performs a number of functions, in addition to processing and prosecuting criminal complaints: Establishing paternity and support in cases of unwed motherhood, representing the people in criminal appeals, providing assistance to crime victims, coordinating community services for non-violent, first-time offenders, chairing the county's Concealed Weapons Licensing Board, and providing law enforcement representation to a number of local boards and commissions.

In 1997, due to a conscious decision by that state legislature, sentencing guidelines were revised and additional responsibilities were shifted onto local governments. The sentencing guidelines commission at that time predicted that by 2007, our state would be in need of 65,040 prison beds. The current state prison capacity is 50,000, even though the previous administration took no steps whatsoever to provide for this increased capacity. Nationally, 41% of those convicted of felonies are sentenced to prison; in Michigan the figure is only 21.3 percent.

I am always dismayed by media reports that our prisons are supposedly filled with "non-violent drug offenders." Here is one example of such an offender, who is

awaiting sentence. We have a drug dealer with a violent history and two prior criminal convictions. He is caught by the Tri-County Metro Narcotics Squad with over five ounces of cocaine (enough to supply about 500 users). The following year, while this case was **pending**, the defendant was caught with over \$2,000 from a suspected drug transaction and charged with conspiracy to deliver over 50 grams of cocaine. While he was **out on bond** - several months later - he was caught with a quarter-ounce of cocaine in his possession. Three months later, while he was still out on bond, his apartment was raided and over a half-ounce of cocaine was seized.

While the defendant is facing a significant sentence, his sentence guideline range is 70 to 130 months, or 5.8 to 10.8 years, this case involves a major drug dealer, with a history of violence, who was investigated for years, and caught multiple times with wholesale amounts of cash and drugs.

I cite this case as a typical example of the 'non-violent drug offender' who is supposedly clogging our prisons.

Under our system of county government, I report to you, the citizens of Ingham County. If you have a question or a comment about our work, please contact me at (517) 483-6272.

Sincerely,

Stuart J. Dunnings III  
Ingham County Prosecuting Attorney

## 2007 BUDGET<sup>1</sup>

	BUDGET	ACTUAL
<b>Personnel</b>	5,540,919	5,402,945
<b>Controllable Expenses</b>	500,839	622,894
<b>Non-Controllable Expenses</b>	339,326	301,371
<b>Capital Outlay</b>	31,398	62,435
<b>TOTAL</b>	<b>6,565,574</b>	<b>6,236,553</b>



2007 Budgeted Monies



2007 Budget Actual Monies Spent

<sup>1</sup> Includes CRP Funding

## **DISTRICT COURT UNIT**

### **CAROL BUCHER, Unit Chief**

Kollette Bordeaux, APA  
Susan Hoffman Adams, APA  
Russel Church, APA  
Cara Hornbach, APA  
Ayanna Jones, APA  
Steve Kwasnik, APA  
Angela Piccici-Lloyd, APA  
Patrick O'Keefe, APA  
Raymond Purdy, APA  
Kelli Swan, APA

Ingham County adult misdemeanor and felony cases begin in 54A, 54B, and 55<sup>th</sup> District Courts. The District Court Unit covers everything from civil traffic tickets to First Degree Murder preliminary examinations. One Assistant Prosecuting Attorney (APA) is assigned to each district court judge.

The Unit prosecutes misdemeanor cases from arraignment to sentencing. The APA appears in court for pre-trials, plea hearings, motions, competency hearings, bench trials, and jury trials. APAs draft motions, answers, briefs, and perform legal research. APAs contact victims pursuant to the Crime Victims Rights Act, interview victims, interview witnesses, read reports, request further investigation, and prepare cases for court litigation.

Every felony case begins in district court. APAs handle felony motions or hearings held in district court. APAs review felony files, present cases to committee for review, negotiate plea offers, represent the People at district court plea hearings, conduct preliminary examinations, write plea offers, and conduct the preliminary hearings. The majority of plea agreements in felony case are negotiated by district court APAs.

Unit APAs write file notes to reflect contacts with attorneys, victims and witnesses on each case file. Communication skills are paramount to successful criminal prosecution and public relations.

Victims are important people. Victim's have rights that dim in relation to the rights granted criminal defendants. APAs spend precious time communicating or attempting to communicate with victims. No one chooses to become a crime victim or a witness to a criminal act. In 2007, there were 16 homicides in a county that has annually averaged ten homicides over the past decade. Victimization impacts

family, friends, and community. The Ingham County Prosecutor's Office encourages victims to exercise their rights and participate in the criminal justice system.

Sobriety Court programs offered by 55<sup>th</sup> District Court, Judge Rosemary Aquilina, and 54A District Court, Judge Louise Alderson, were implemented in 2005. This is the third year, and results demonstrate people can succeed in overcoming their substance abuse. The Sobriety Court program is in response to the serious community problem of drunk driving. The program uses a multifaceted approach. The courts, probation departments, substance abuse treatment providers, and this office provide a team effort to address substance abuse issues. Many criminal acts are committed while defendants are under the influence. Non-violent offenders convicted of repeat drinking and driving offenses may apply for the program. Grant funding finances the Sobriety Court Program in Ingham County.

The Domestic Assault Response Team's (DART) original grant ended December, 2004. A second two year DART grant was awarded in August, 2005. A third grant currently funds the DART team. APA Steve Kwasnik was assigned to the DART team during 2007. DART helps domestic violence victims, and compliments the work of Judge Amy Krause in the 54A District Domestic Violence Court. Probation Officer Russell McKenzie oversees defendants convicted of domestic violence. The Personal Protection Order Office under Director Tonya Avery assists domestic violence victims in obtaining Person Protection orders through the Family Court. DART continues work towards ending domestic violence in Ingham County. Domestic violence between intimate partners puts victims at great risk. The Ingham County Prosecuting Attorney's dedication to assisting and helping survivors of domestic violence makes a difference.

In 2007 the Ingham County Prosecutor's lost several seasoned, very experienced assistant prosecutors due to retirement. Patrick O'Keefe and Russel Church joined the office in 2007 bringing their experience from the Kent County Prosecutor's Office and the Tennessee defense bar. Also joining the office were APA Danielle Mammel and APA Rico Neal. Both APA Mammel and APA Neal came to this office with civil law experience. APA Raymond Purdy retired after 32 years of service. APA Cara Hornbach relocated out of state. Also, APA Kelli Swan left after family leave. The "old" APAs are missed, while the "new" APAs are a welcome addition to the Ingham County Prosecutor's Office.

## **CIRCUIT COURT UNIT**

### **Catherine A. Emerson, Unit Chief**

Michael Cheltenham, APA

Jeffrey Cruz, APA

John J. Dewane, APA

Barbara Monaghan, APA

Debra Rousseau Bouck, APA

Patrick O'Keefe, APA

The Ingham County Prosecutor's Office is responsible for the prosecution of all felony and high court misdemeanor cases in the 30<sup>th</sup> Judicial Circuit Court for Ingham County. These are the most serious of crimes, carrying possible prison penalties from two years to life offenses, without parole. This responsibility is handled by the six-person Circuit Court Unit.

By necessity, this Unit is comprised of experienced attorneys who have shown the aptitude and proficiency to manage, and present, these more difficult cases. The average courtroom experience level is over eight years.

At this level, the attorneys deal with all aspects of the criminal case once it has been bound-over to the circuit court. Duties include: review of police and other agency reports, review of evidence and scientific analyses performed on the evidence, document preparation and review, meeting with and interviewing witnesses and crime victims in preparation for trial, and the legal research and brief writing with regard to the issues raised by the defense, or inherent in the case. The Circuit Court Unit attorneys also engage in pretrial negotiations, and litigate pretrial motions. They attend and handle all arraignments, pretrial hearings, pretrial motions, plea hearings, trials, sentence hearings, and many post trial proceedings. The Circuit Court Unit attorneys attend hearings where there are allegations of probation violations.

The Circuit Court Unit attorneys advocate for restitution on behalf of crime victims. These attorneys also seek reimbursements for the public costs of prosecution from those convicted of criminal offenses. An increasingly important Circuit Court Unit task is the cost and resource management associated with courtroom litigation.

In 2007, the year began with 40 capitol cases (those having statutory penalties of life, or any term of years) and 298 felony cases carried over from 2007. During the year, an additional 107 capitol cases and 1,507 felony cases were opened in the 30<sup>th</sup> Judicial Circuits Courts. During 2007, the Circuit Court Unit managed 1,805 felony cases. Of the cases, 31 were tried, and 1,401 pled guilty. In sum, 1,519 cases were resolved during 2007.

## **MAJOR CRIMES UNIT/ VERTICAL PROSECUTION UNIT / DRUG PROSECUTION**

**Eric E. Matwiejczyk. Unit Chief**

Marie Wolfe, APA

Tracy Horvath, APA

The Major Crimes Unit was instituted within the Prosecutor's Office in 1998. The Unit was created to be a "clearing house" by coordinating prosecutions involving drug crimes, gang related criminal activity, organized crime, identity theft, and other cases assigned for special handling. These efforts have continued to gain success in 2007.

The attorneys assigned to this Unit handle their cases from start to finish. They begin by authorizing charges, and then conduct pre-trial conferences, preliminary examinations, and motions, handle discovery issues, and follow through to disposition by way of trial or plea.

During the past year, over 300 criminal cases have been reviewed/commenced by the two attorneys assigned to the Unit on behalf of the Tri-County Metro Narcotics Unit. The Major Crime Unit has also provided "vertical assistance" to the Special Operations Section of the Lansing Police Department.

Additionally, in 2007, the Unit received 553 new civil forfeitures generated by the Tri-County Metro Narcotics Unit, the Lansing Police Department Special Operations Section, and other police agencies having jurisdiction within Ingham County. These forfeitures involved approximately \$472,427.29 in cash, more than 100 automobiles and other personal property including homes and land. During 2007, the Unit settled several civil forfeiture law suits that had been pending in the Circuit Courts.

Since the Unit encompasses so many different areas, crimes prosecuted through the Unit are very diverse. For example, as in the past, the Major Crimes Unit not only dealt with drug enforcement, but also murder, identity theft, and embezzlement cases.

The Unit also issued many investigative subpoenas while working closely with the "Cold Case Task Force" which resulted in Open Murder Warrants being issued against numerous individuals, including a suspected "serial killer." Additionally, this Unit successfully prosecuted two "Cold Case" murders that occurred in 1973, on the campus of Michigan State University. The defendants were convicted of second degree murder.

The Major Crime Unit is a valuable resource both within the Prosecutor's Office and to the police agencies within Ingham County.

## **CHILD SEXUAL ABUSE AND ASSAULT UNIT**

**Lisa McCormick, Unit Chief**  
**William Crino, Unit Chief**

The Ingham County Prosecutor's Office dedicates skilled prosecutors to prosecute our most vulnerable victims. We have focused our attention on children and vulnerable adults. It is our goal to protect children from not only sexual abuse and assault but internet predators and unregistered sex offenders. We also focus on our elderly victims and their caretakers. This unit has a team approach towards prosecution. This allows attorneys to work together and aggressively prosecute society's worst offenders.

Our unit investigates and prosecutes crimes against children under the age of 13. These crimes arise from sexual assault, child abuse, homicide, internet crimes and sex offender registration violations. This unit is involved with prosecutions from the beginning of the investigation and meets regularly to review pending cases and address any legal and factual concerns.

Below are a couple of cases prosecuted by the unit in 2007.

### ***Homicides/Violent Felonies Involving Elder Abuse***

- *People v Ira Gudith* - Pled guilty to Murder in the 2<sup>nd</sup> Degree, serving a sentence of Six (6) to Fifteen (15) Years in Prison.
- *People v Wanda Roberts* - Pled guilty to Assault with Intent to Do Great Bodily Harm, serving sentence of 14 ½ years to 30 years in Prison.

### ***Trials Involving Child Sexual Assault***

- *People v Robin Wood* (Lansing Day Care Case) - Found Guilty of two counts of Criminal Sexual Conduct 1<sup>st</sup> degree and two counts of Criminal Sexual Conduct 2<sup>nd</sup> Degree - Defendant is awaiting sentence

### ***Child Abuse and Criminal Sexual Assault***

There were a total of 68 cases issued in 2007. Of those 68 cases, 20 cases were presented for criminal child abuse. Out of the 20 presented child abuse cases, four pled guilty to the charge, seven pled guilty to lesser offenses, six were dismissed, and three cases are currently pending trial in the Circuit Court.

The most serious case brought in, *People v Wirick*, involved the continued and near fatal abuse of a six month old baby. The Defendant was convicted by plea of two counts of Child Abuse 1<sup>st</sup> Degree (as charged), and is currently serving a sentence of 8 to 15 years in prison.

There were 41 cases (adult and juvenile) of criminal sexual assault charged by this unit alone in 2007. Of those cases presented in 2007, the statistics for adult felony offenders are; 13 total convictions, to-wit: one conviction (for multiple counts) from a jury verdict; nine cases pled to the charge; three cases were pled to lesser offenses. Also, two cases were denied and 13 are currently pending trial in the Ingham County Circuit Court. There were 13 cases charged out of this unit involving juvenile defendants.

There were two cases involving serious Vulnerable Adult Abuse, as stated above, both resulting in substantial prison terms.

We also issued one case under the new law requiring a sentence of 25 years to life if convicted of Criminal Sexual Assault in the 1<sup>st</sup> degree involving a victim under the age of 13 years of age. This statute went into effect on August 28, 2006. Any sexual penetration of a victim under the age of 13 after the effective today can be charged under this new penalty. In that case the offender received a sentence of 25 years to 60 years to the Michigan Department of Corrections.

Our office is also involved in a Task Force that is set up with different police agencies to protect children. Specifically, this unit was an active chair of the Multi-Disciplinary Team (MDT) through Angel House, the Ingham County Child Advocacy Center. Prosecutors from this unit were actively involved in training and teaching law enforcement and social services in the prosecution of child abuse and child sexual abuse, as well as an active consultant for child forensic interviews.

### ***Sex Offender Registration***

This Unit also works with the Tri-Sort Task Force which is made up of local law enforcement agencies, probation and parole in Clinton, Ingham and Eaton counties.

This task force works to assure sexual offenders in Ingham County who are required to register as Sex Offenders are complying with their registration requirements. This task force meets monthly to address any issues with registration compliance and to make sure that anyone who has not updated address or not verified during the registration period are successfully prosecuted.

Finally, this unit also provides monthly training to law enforcement agencies so they have the skills to interview children under the Forensic Protocol and are updated on new laws for not only sexual assault and abuse, but internet crimes against children and the Sex Offender's Registration Act.

In conclusion, this unit is dedicated to the protection and safety of our most innocent, our children and our vulnerable adults.

## DART UNIT

### **Steven Kwasnik, Assistant Prosecutor**

In its second year, after a two year break, the Domestic Assault Response Team (DART) continued to be an important part of holding batterers responsible and providing support to their victims. The DART team is comprised of dedicated positions from three partnering agencies that include a victim advocate from the Personal Protection Order Office staffed by End Violent Encounters (EVE, Inc.); a probation officer in the 54-A District Court; and an assistant prosecuting attorney. These partners work closely together to identify severe cases and/or repeat offender cases to provide intensive services to victims and to hold offenders accountable. These positions are funded through a Federal STOP Grant.

DART's mission is to reduce the incidence of domestic violence by utilizing a coordinated community response to: increase safety to victims; ensure the accountability of the offender; and detect and respond to system deficiencies.

The DART team focuses on incidents occurring within the City of Lansing, and work closely with detectives assigned domestic violence cases for Lansing Police Department (LPD). A list of accused meeting the DART criteria is maintained by the DART team and can be referenced by all members of the team as well as LPD and prosecution staff. The criteria used to add defendants or victims to the list are those who have five or more domestic contacts with the police. Additional cases are added on a case by case basis, focusing on safety factors and the nature of the offense.

All domestic warrant requests for domestic violence where the defendant is not in custody are reviewed by the assistant prosecutor assigned to DART. Those accused who are taken into custody at the time of the incident are reviewed by assistant prosecutors on rotating basis, however assistant prosecutors are required to consult the DART list when reviewing domestic warrants. The misdemeanor cases with defendants or victims who appear on the list are sent to the Domestic Violence Court in the 54-A District Court and are handled by the DART assistant prosecutor. Some of the felony cases with defendants or victims who appear or are added to the list are assigned to the DART assistant prosecutor for vertical prosecution.

Through the regular exchange of information the DART team has been able to provide: support for victims in both the criminal and PPO arena; effective monitoring and regulation of defendants on probation; and successful prosecution of defendants who had long histories of arrests with few convictions, including cases where victims decline participation or actively work against the prosecution. In 2007 DART team members partnered to convict dozens of batterers of misdemeanors and felonies resulting in penalties ranging from 93 days in jail to 20 years in prison.

## **APPELLATE DIVISION**

**Joseph Finnerty, Unit Chief**  
Kahla Arvizu, APA  
Lisa Davis, Paralegal/Legal Assistant

This unit is staffed by two assistant prosecuting attorneys and a clerical legal assistant. Joseph Finnerty is the Unit Chief with Kahla Arvizu assigned as APA to the unit. Lisa Davis is the unit's legal assistant.

### ***Work of the Appellate Division***

The bulk of the work of the division consists in responding to appeals of right from criminal convictions including delinquency cases and from the termination of parental rights in neglect/abuse cases. In these two instances an aggrieved criminal defendant and/or parent whose rights have been terminated are entitled to court-appointed appellate counsel and transcripts of all proceedings at public expense. Most avail themselves of this right, whether or not there are any issues of merit. The Division responds to such appeals in circuit court (misdemeanor convictions) and in the Court of Appeals (felony convictions and parental rights termination cases). We also respond to any applications for leave to appeal before the Michigan Supreme Court.

In addition, we respond to applications for leave to appeal in plea-based criminal cases in the Court of Appeals, the occasional appeal from an involuntary commitment mental health proceeding, and appeals involving re-sentencing.

Under Michigan Court Rule (MCR) 6.500, a criminal defendant also has one last chance to raise further issues before a circuit court judge even if he/she has exhausted their appellate remedies. We respond to these motions filed in the general trial division of circuit court when requested to by the trial judge. Often issues are raised by defendants who have been imprisoned for years. Defendants can and do appeal the decision of the trial court to deny a motion under MCR 6.500 to the Court of Appeals. The appeal is by application and we respond to those cases.

The division files appeals on behalf of the Ingham County Prosecuting Attorney where appropriate. This past year we filed one appeal from a decision of a trial court in the Court of Appeals. We also filed two applications for leave to appeal in the Michigan Supreme Court.

Filing a response brief either in the Court of Appeals or circuit court usually requires appearing in the appropriate court for argument on the case. In addition, both attorneys appear in circuit court on post-conviction motions and hearings.

We conduct legal research for all the attorneys in the office and provide training to APAs and law enforcement agencies, court staff and other groups. We track new cases, new statutes, court rules and administrative rules to keep the attorneys in the office abreast of legal developments. We also participate in the Prosecuting Attorneys of Michigan Appellate Forum.

Our legal assistant helps in preparing all pleadings filed by the unit, tracking appeals and deadlines for briefs as well as assisting both APAs with research and cite checking. She also drafts correspondence and pleadings.

The division took on the responsibility of filing briefs for appeals stemming from the termination of parental rights. Because those cases are “custody” cases and adoptions cannot be finalized until the appeal has been decided, they are set with strict time deadlines. [21 days] The number of parental termination of rights appeals has increased as the number of child neglect/abuse cases has increased.

These statistics give an overview of the work of this division.

#### **APPELLATE STATS FOR 2007**

	<b>2007</b>	<b>2006</b>
Total New Files Opened	156	175
Total Briefs Filed	60	59
Total Motions & Answers	61	52
Total Appeals Decided	121	142
Percent of Appeals Won	99%	99%

## **FAMILY COURT UNIT**

### **James Pettibone, Unit Chief**

Gary Adamo, APA

Eric Matteo, APA

John Murray APA

Assistant prosecuting attorneys (APAs) in the Family Court/Juvenile Division of the Ingham County Prosecutor's Office are responsible for handling the following types of cases:

1. *Child protective proceedings (neglect and abuse)*, including hearings on petitions requesting court jurisdiction of children and hearings on petitions requesting termination of parental rights.
2. *Juvenile delinquency proceedings*, including authorizing delinquency petitions, bench or jury trials on petitions requesting court jurisdiction of youthful offenders, disposition hearings and hearings seeking to treat a juvenile as an adult.
3. *Contempt of court hearings in personal protection order (PPO) cases.*
4. *Mental health involuntary commitment proceedings* are held here at St. Lawrence Hospital and on a rotating schedule with other counties at the Kalamazoo Regional Psychiatric Facility.

There are currently three APAs, two law school interns and a Unit Chief assigned to the Family Court Unit. Each week, they are responsible for handling cases in front of five judges and two referees in seven different courtrooms. Family Court APAs handle and/or oversee child protective and juvenile delinquency hearings in front of Judges Economy, Garcia, Baird and Lawless; PPO hearings in front of Judges Ball or Jordon; mental health hearings in front of Judges Economy or Garcia; truancy hearings in front of Judges Garcia, Giddings, Baird and Lawless and juvenile delinquency hearings in front of Family Court attorney-referees.

### ***Child Neglect and Abuse Cases***

The majority of the cases handled by the Family Court Unit involve cases in this area. They remain a top priority for the unit and the Court. APAs usually become involved in a child protective proceeding at the time of pretrial after a petition has been filed requesting court jurisdiction. The case is set for a bench or jury trial if it is not resolved at pretrial. Once the court has jurisdiction over the children, orders are entered in an effort to reunify the family. In cases involving

serious physical or sexual abuse, termination of parental rights is requested immediately. Otherwise, cases are reviewed every 3 months if the children are out of the home and every 6 months if the children are in the home. Great effort is made to protect the children and place them in the most family-like setting. This may include ordering the offending parent or “significant other” out of the home while the children remain with the other parent or placing the children in foster care if they cannot live safely at home. If the children are out of the home and reunification does not occur within a reasonable time, the court may hold a hearing to determine whether or not to terminate parental rights. APAs and the courts adhere to the required time deadlines in neglect cases to insure that children receive permanency in their lives as soon as possible.

Statistics do not accurately reflect the work done in the unit as the complexity of each case is different. Trials may last an hour in cases where the parent has abandoned the children and the evidence is straightforward or they may last days with medical and /or mental health experts offering opinions on the source and nature of a child’s physical or emotional injuries. During the course of a child protective case the APA may also handle preliminary hearings, show cause contempt of court hearings, emergency removal hearings, review hearings and permanency planning hearings. In 2007, there were approximately 449 abuse and neglect petitions filed with the Ingham County Family Court.

In 2007, the Ingham County Family Court began a Family Drug Court. The Family Drug Court is assigned cases where substance abuse is a major barrier to family reunification. Hearings are held each week in the beginning of a case so that a parent’s progress, or lack of progress, can be monitored and addressed. The Family Court Team, consisting of an APA, a defense attorney, a Juvenile Court Officer, a DHS Caseworker, a treatment provider and a team coordinator, meet and discuss each case prior to court hearings and make recommendations to Judge Lawless.

### ***Juvenile Delinquency Cases***

Juveniles under the age of 17 may be petitioned before the court for criminal behavior or as a status offender. Status offenses include runaways, incorrigibility and truancy. Unit and staff continue in our efforts to attack problems of delinquency and at risk youth in innovative ways while at the same time we remain committed to holding juveniles accountable for the crimes they have committed. The City of Lansing Teen Court and the grant-funded “Juvenile Intervention Program” are excellent opportunities for juveniles to be held accountable for their actions and at the same time avoid formal court involvement. APAs get involved in delinquency cases at the beginning by reviewing in-custody petitions. All non-status offender delinquency petitions are reviewed by the Prosecutor’s Office. If the case goes formal, APAs handle the

pretrial, bench or jury trial, dispositions and reviews. Staff is working with juvenile court staff to better address the issue of restitution in juvenile cases and make the system easier to deal with for the victim.

Truancy has long been an issue for parents as well as an indicator of “at-risk” behaviors for teens. This year was the seventh year of Truancy Court, an intensive, fast track effort to get at truancy early in the school year. The program concentrates on middle school offenders as well as ninth graders. Once a juvenile is identified as having a truancy problem, the juvenile and parents are given an opportunity to meet with school officials and improve attendance prior to a truancy charge being authorized. Once formal charges are issued, they are on a fast track. Court is held every Thursday and the juvenile and parents must attend their court hearing and return in 4 weeks. The object of the program is simple: “be on time, every time, to class.”

For the most serious juvenile offenders and in appropriate cases, APAs can request that the court treat the offender as an adult and in certain cases APAs can designate that the case be tried in the same manner as an adult. If adult status is granted, the juvenile offender can receive an adult sentence that can include jail or prison.

In 2007, the Prosecutor’s Office Family Court Unit received over 950 delinquency petition requests from law enforcement agencies and schools in Ingham County. The Family Court Unit reviewed each petition and requested court jurisdiction on over 500 petitions. The Family Court Unit referred approximately 200 cases to Teen Court.

### ***Personal Protection Order Violations***

Although these are civil orders, the PPO petitioner has the option of having the prosecutor or private counsel present evidence at the violation hearing. The Family Court Unit is doing the majority of the PPO violation hearings in Ingham County. PPO violation hearings, as well as all other PPO related hearings, are usually held every week on Friday. Each Friday, there are generally from one to five PPO violation hearings scheduled. We are responsible for seeing that witnesses are subpoenaed and for presenting the evidence at the hearings. APAs work closely with the court staff and the PPO office to insure that matters are properly handled. APAs work with our domestic violence unit to coordinate criminal charges, bond violation hearings and PPO violation hearings to avoid any double jeopardy problems. The division and office work hard to support victims of domestic violence and to hold batterers accountable.

### ***Mental Health Commitment Hearings***

Attorneys in the Family Court Unit handle the majority of involuntary commitment hearings done in this county, as well as a number of assigned days at Kalamazoo Regional Psychiatric Hospital. APAs also do follow-up to criminal cases that have resulted in not-guilty by reason of insanity. This includes presenting evidence at the commitment hearing for mental health treatment under the Mental Health Code.

### ***Training, Committee and Liaison Work***

Attorneys and victim witness staff continue to serve on numerous committees in the community such as the Child Death Review Team, the Youth Violence Prevention Coalition, the Truancy and Teen Court committees, Angel House and the STOP Grant Committee. APAs were also involved in training and cross training efforts throughout the year with CASA volunteers, East Lansing Listening Ear, local law enforcement, DHS staff, PAAM as well as classes and conferences at both law schools.

## **FAMILY SUPPORT UNIT**

### **GUY L. SWEET, Unit Chief**

Heather Adamo, APA

Laurie Oberle, APA

Marilee Eagan, Support Investigator

Lisa Watts, Support Investigator

Karen Beechler, Support Investigator

Ron Auble, Investigator / PA

Nathaniel Thomas, Investigator / PA

Cynthia Brown, Support Clerk

Mary Lou Dobias, Support Clerk

Angela Maddelein, Support Clerk (shared-time)

Margo Kortes, Support Clerk (shared-time)

Kimberly Chapman, Support Clerk (part-time)

The Family Support Unit (FSU) consists of a Civil Section and a Criminal Section. The Civil Section has ten full-time equivalent positions - two Attorneys (including the Unit Chief), three Support Investigators, three Support Clerks, and two Process Servers. The Criminal Section is staffed by a part-time attorney and a part-time Clerk. All FSU positions are funded by a federal Title IV-D grant administered by the Michigan Department of Human Services Office of Child Support (DHS-OCS).

### ***Civil Section***

The Civil Section's three primary duties are to establish paternity, establish child support, and obtain reimbursement for financial and medical assistance that the DHS has provided to children. The ultimate objective is to enable children and their custodians to receive regular child support payments from the non-custodial parent, and thereby reduce or eliminate their reliance on public assistance.

The Office of Child Support (OCS) refers cases to the FSU. The Support Investigators review each referral to ensure that it satisfies the federal criteria, and was sent to the proper county. In paternity cases, a Support Investigator or Attorney interviews the mother. A civil complaint is then generated and filed with the Circuit Court. The Process Servers are responsible for serving a copy of the complaint to the non-custodial parent. Genetic testing is offered in all paternity cases. An Attorney or Support Investigator conducts a settlement conference in all paternity and support cases. If the case cannot be resolved, it proceeds to a court hearing. The FSU's goal is to resolve each case within 90 days after the OCS referral is received.

The following table lists the number of paternity and support orders obtained during the last seven years:

Year	Paternity*	Support	Interstate (Initiating)	Interstate (Responding)	Total
2001	215	1,116	62	48	1,441
2002	252	932	31	35	1,250
2003	233	320	4	22	579
2004	289	419	12	16	736
2005	294	473	21	19	807
2006	364	571	22	26	983
2007	406	542	11	16	975

\* Paternity orders usually include child support and/or state reimbursement provisions.

Three percent of the 2007 orders were entered in Uniform Interstate Family Support Act (UIFSA) cases. This statute enables Michigan prosecutors to initiate paternity and support cases in other states where a non-custodial parent lives, and to prosecute these cases in Michigan if the non-custodial parent lives here and his or her children live in another state.

Productivity was almost equal to 2006 levels, and exceeded 2005 levels by 20 percent. This suggests that the Michigan Child Enforcement System (MiCSES) - a statewide computer network that links the DHS, prosecutors and Friend Of the Court (FOC) - is beginning to process cases faster and better. But productivity is still below the levels achieved before MiCSES was implemented in 2003.

### ***Criminal Section***

Since 2001, the FSU has filed criminal charges against individuals who have failed to pay court-ordered child support but have the ability to do so. The Ingham County FOC refers cases to the Prosecutor if the unpaid amount exceeds \$10,000. After the case is reviewed, the Prosecutor sends a notice to the defendant and offers him or her opportunity to avoid prosecution by making regular child support payments. If the case is not resolved, a warrant is issued and the case proceeds through the criminal courts. Efforts are made to collect past-due child support during the plea negotiation and sentencing phases.

The following graph indicates how collection activity has steadily increased during the past six years:

<b>Year</b>	<b>Pre-Prosecution</b>	<b>During Prosecution</b>	<b>Post-Conviction</b>	<b>Total</b>
2001	\$3,747.12	\$47,816.03	\$56,501.96	\$108,065.11
2002	\$56,480.79	\$58,702.86	\$77,802.92	\$192,986.57
2003	\$140,985.00	\$56,816.74	\$88,946.47	\$286,748.21
2004	\$168,803.25	\$45,911.87	\$207,482.92	\$422,198.04
2005	\$394,403.66	\$12,844.99	\$166,737.13	\$574,025.28
2006	\$557,726.01	\$18,195.80	\$143,085.85	\$719,007.66
2007	\$780,948.38	\$21,096.31	\$198,107.28	\$1,000,151.97

Over one million dollars was collected during 2007. Over \$780,000 was collected before criminal charges were issued. This constitutes 78 percent of the total amount, and is a 40 percent increase over the amount collected during the pre-prosecution phase in 2006. This increase occurred because the FOC continued to aggressively pursue an amnesty program that offered obligors an opportunity to pay off their arrearage and avoid criminal prosecution.

## **DIVERSION PROGRAM**

### **Jason Bartley, Diversion Coordinator**

Marysue Lester, Diversion Caseworker

David Mateer, Diversion Caseworker

Angela Morgan, Diversion Caseworker

Rose Olivett, Diversion Secretary (shared-time)

Barbara Smith, Diversion Secretary (shared-time)

The Diversion Program has served the community since 1975 as a deferred prosecution program for first time, non-violent offenders. Diversion provides a pre-trial probationary program that channels first time offenders into programs such as community service, high school completion, drug and/or alcohol treatment or individual counseling.

The terms of each participant's probation are based on a contract between the probationer and the Prosecutor's Diversion program. Offenders who successfully complete the program are not formally charged with the offense and therefore, have no criminal record.

There were 600 referrals to the diversion program in 2007. There were an additional three referrals to the Lansing Elementary Attendance Diversion (LEAD) program.

The amount of service fees collected was in excess of \$140,700 and over \$9,800 in application fees. Victims of crimes were reimbursed \$43,579. There was an additional \$410 collected from participants in the LEAD program. In addition to the monetary benefit to the residents of Ingham County, the time and expense saved by not prosecuting these cases permits the prosecutor and the courts to devote their time to prosecuting those who are clearly a danger to the community.

In 2007 the Diversion program gained two new caseworkers and a new Diversion Coordinator. Judy Spencer retired from the coordinator position and Stuart Dunnings III promoted Jason Bartley to diversion coordinator. Also, Dawn Hawes, diversion caseworker, resigned leaving two caseworker vacancies. The Diversion program was fortunate to add Dave Mateer and Angela Morgan to fill the empty positions left by these two long time employees.

## 2007 DIVERSION STATISTICS

	2006	2007
Service Fee	\$118,833	\$140,728
Application Fee	\$9,835	\$9,825
Referrals	648	600
Accepted	346	410
Satisfactory Complete	248	323
% Completions	72%	83%
Restitution	\$24,708	\$43,579
LEAD	\$1,275	\$410

## **VICTIM / WITNESS UNIT**

**Trixie Brown, Coordinator** ([tbrown@ingham.org](mailto:tbrown@ingham.org))

Martha Mitchell, Felony Advocate ([mmitchell@ingham.org](mailto:mmitchell@ingham.org))

Maria Valayil, Domestic Violence Coordinator ([mvalayil@ingham.org](mailto:mvalayil@ingham.org))

Elizabeth Savage, Juvenile Advocate ([esavage@ingham.org](mailto:esavage@ingham.org))

Shondell Strickland, Felony Advocate ([sstrickland@ingham.org](mailto:sstrickland@ingham.org))

Marissa Berry, Felony Advocate ([mberry@ingham.org](mailto:mberry@ingham.org))

In 2007 the Victim Witness Unit worked hard to locate new resources for victims and to attend more hearings and trials in an attempt to help more people. Since the program began in 1978 we have educated the staff and the community about new laws pertaining to the William VanRegenmorter Victim Rights Act, (formally known as the Michigan Victim Rights Act), to ensure victims needs are met. A copy of the William VanRegenmorter Victim Rights Act may be obtained by contacting this office.

The Unit is currently staffed with a coordinator and three advocates that handle both felony and misdemeanor cases, a juvenile advocate and a domestic violence coordinator. Redesigning our Unit to having the advocates handle both types of cases has allowed us to work more closely with victims and attend more hearings. Four advocates have been assigned specific circuit court judges which allows continuous service and court attendance with victims throughout the trial process, and a close working relationship with the prosecutor assigned to that judge. We have added an intern/volunteer program, utilizing students from Cooley Law School, Davenport College, Lansing Community College, Michigan State University and Detroit School of Law to our Unit. The interns are trained to perform a number of tasks and duties such as sending information packets out to victims, mailing letters, filing returned statements and subpoena returns. The domestic violence coordinator also trains and supervises student interns from the above noted schools. These interns work directly with domestic violence victims, attending court hearings and have first telephone contact upon issuance of a warrant.

We provide a number of services which include: escorting victims to court; hearing notification via letters; a daily recording for circuit court, family court, and district courts; help with completing documents; contacting employers regarding time off work for testifying; providing a room to ensure safety and privacy; and providing transportation and lodging accommodations for out of state witnesses. Finally, our Unit will provide emergency child care and transportation when needed for court proceedings.

Our Unit continues to work closely with C.A.R.E. (Capitol Area Response Effort), Eve Inc., Friends of the Foundation, Prosecuting Attorney Association of Michigan and other local agencies in an effort to keep abreast of new legislation and community services available to victims.

The Michigan Crime Victim Network Notification Network (MCVNN) system continues to be utilized in Ingham County for both the 30<sup>th</sup> Judicial Circuit and 55<sup>th</sup> District courts, the Ingham County Jail and the Michigan Department of Corrections. This program allows victims to be notified of court proceedings in addition to being notified when a defendant is released from jail or prison. In order to utilize the MCVNN system, a victim may contact the Ingham County Prosecutor's Office Victim Witness Unit, or register personally through MCVNN at (1-800-770-7657).

Ingham, Clinton, Hillsdale, Jackson and Eaton county residents may now utilize "211" (the same as "911" for emergency help), for resources such as help with rent and utilities; shelter; support groups; and low-cost clinics. This resource was created by the Capital Area United Way and is free of charge.

An additional service available through this office is the Crime Victim Service Compensation. This foundation provides financial assistance for eligible victims for injuries, funeral costs, counseling or loss of wages suffered as a result of criminal acts. The Crime Victim Foundation provides "last resort" payment for situations that are life altering or life threatening. This fund must be applied for through an Ingham County Prosecuting Attorney advocate.

Victims of domestic violence may contact Eve, Inc. at (517 337-8211 or toll free 866-361-8211), another resource that provides information for immediate shelter needs, rent/mortgage assistance, utility assistance, youth and senior citizen programs and other services.

### ***Victim/Witness Unit Overview***

There were 4,157 new cases this year. This is an increase from 2006 of 539 cases. The goal for the Victim Witness Unit in 2008 is to improve procedures and services for victims throughout the year by working with police, government offices, hospitals and others to increase our knowledge of resources as well as to ensure continued cooperation with the County's agencies to better serve victims.

## VICTIM/WITNESS STATISTICS

	2004	2005	2006	2007
<b>JANUARY - MARCH</b>				
Felony	505	506	358	613
Misdemeanor	136	123	434	391
Juvenile	538	324	88	97
<b>APRIL - JUNE</b>				
Felony	565	459	456	670
Misdemeanor	233	117	419	412
Juvenile	375	120	132	131
<b>JULY - SEPTEMBER</b>				
Felony	573	441	454	440
Misdemeanor	153	146	421	424
Juvenile	401	430	110	112
<b>OCTOBER - DECEMBER</b>				
Felony	506	405	384	386
Misdemeanor	123	117	273	377
Juvenile	324	492	89	104
<b>TOTALS</b>	<b>4432</b>	<b>3668</b>	<b>3618</b>	<b>4157</b>

## DOMESTIC VIOLENCE UNIT<sup>2</sup>

Maria Valayil, Coordinator

The mission of the Domestic Violence Unit is to reduce family violence in the Ingham County area by providing direct services to the victims of crime. Our goals include: enhancing the awareness of domestic violence and crime victim's rights under the law, and improving the safety of survivors of domestic violence. The Domestic Violence Prevention Program will assist the victims of crime throughout the criminal justice process by providing the victim with criminal justice advocacy, emotional support, information, referrals to community resources, and safety planning.

The Domestic Violence Unit is a part of the Victim/Witness Unit at the Ingham County Prosecutor's Office and coordinates with other staff to assist victims of domestic assault. In the grant fiscal year, 10/1/06 to 9/30/07, the Domestic Violence Unit had the support of 21 volunteers who put in 2556 hours of service to provide support to victims. The coordinator and volunteers provided services to 1080 Ingham county residents; staff took calls from 1101 victims of domestic assault, 75 victims received crisis services, 455 were provided with court support, unit staff did follow-up with 386 survivors, and the program provided 8 with assistance in applying for victim compensation.

During the project year, the Coordinator has participated in monthly networking meetings and projects sponsored by the Capitol Area Domestic and Sexual Violence Coordinating Council's Service Provider Subcommittee, the NASW Women's Issues Committee and the Women of Color Task force of MCADSV in order to improve services to victims and network on advocacy issues. The Coordinator has also been networking with service provider groups in Clinton and Eaton counties in order to network about individual cases and broader issues that we may share.

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<sup>2</sup> This project, Domestic Violence Unit, was supported by Crime Victim Assistance Grant Award CVA# 20636-9V05 awarded to the Ingham County Prosecutor's Office by the Michigan Crime Victim Services Commission, Michigan Department of Community Health. The grant award of \$60,646, comes from the Federal Crime Victims Fund, established by the Victims of Crime Act of 1984. The Ingham County Prosecutor's Office provides the required match by the use of volunteers, 1379 hours valued at \$11.00.

**2007 DEPARTMENTAL STAFF  
As of December 1, 2007 and current assignment<sup>3</sup>**

Gary Adamo	Assistant Prosecuting Attorney	Family Court Unit
Heather Adamo	Assistant Prosecuting Attorney (part-time)	Family Support Unit
Susan Hoffman Adams	Assistant Prosecuting Attorney (shared-time)	District Court Unit
Kahla Arvizu	Assistant Prosecuting Attorney	Appellate Division
Ronald Auble	Investigator	Family Support Unit
Sally Auer	Intake Coordinator	Screening Unit
Jason Bartley	Diversion Coordinator	Diversion Unit
Karen Beechler	Support Investigator	Family Support Unit
Marissa Berry	Victim/Witness Advocate	Victim/Witness Unit
Kollette Bordeaux-Borruso	Assistant Prosecuting Attorney	District Court Unit
Deborah R. Bouck	Assistant Prosecuting Attorney	Circuit Court Unit
Cynthia Brown	Family Support Clerk	Family Support Unit
Trixie Brown	Victim/Witness Coordinator	Victim Witness Unit
Carol Bucher	Unit Chief	District Court
Kimberly Chapman	Family Support Clerk (Part-time)	Family Support Unit
Mike Cheltenham	Assistant Prosecuting Attorney	Circuit Court Unit
Deborah Chieppo	Clerk / Prosecuting Attorney	Circuit Court Unit
Russel Church	Assistant Prosecuting Attorney	District Court Unit
William Crino	Unit Chief	Child Sexual Assault Unit
Jeffrey Cruz	Assistant Prosecuting Attorney	Circuit Court Unit
Lisa Davis	Appellate Secretary - Legal Assistant	Appellate Division
John J. Dewane	Assistant Prosecuting Attorney	Circuit Court Unit
Mary Lou Dobias	Support Clerk/ System Manager	Family Support Unit
<b>STUART J. DUNNINGS III</b>	<b>Prosecuting Attorney</b>	Administration
Marilee Eagan	Support Investigator	Family Support Unit
Catherine Emerson	Unit Chief	Circuit Court Unit
Roberta Faivor	Administrative Assistant Prosecuting Attorney	Administration

<sup>3</sup> 2 assistant prosecutor positions were filled after January 1, 2008

Joseph B. Finnerty	Unit Chief	Appellate Division
Erin Gallaway	District Court Coordinator	District Court Unit
Mary Greener	Executive Secretary - Prosecuting Attorney	Administration
Pam Henry	Clerk/Prosecuting Attorney (3/4 position)	Family Court Unit
Tracy Horvath	Assistant Prosecuting Attorney	Forfeiture Unit
Scott Hughes	Juvenile Justice/ Community Outreach Coordinator	Administration
Ayanna Jones	Assistant Prosecuting Attorney	District Court Unit
Margo Kortez	Support Clerk (shared-time)	Family Support Unit
Steven Kwasnik	Assistant Prosecuting Attorney	District Court Unit – DART
Marysue Lester	Diversion Caseworker	Diversion Unit
Angela M. Lloyd	Assistant Prosecuting Attorney (shared-time)	District Court Unit
Angela Maddelein	Support Clerk (shared-time)	Family Support Unit
<b>Linda Maloney</b>	<b>Chief Assistant Prosecutor</b>	Administration
Danielle Mammel	Assistant Prosecuting Attorney	District Court Unit
David Mateer	Diversion Caseworker	Diversion Unit
Eric Matteo	Assistant Prosecuting Attorney	Family Court Unit
Eric Matwiejczyk	Unit Chief	Forfeiture Unit
Lisa McCormick	Deputy Chief Assistant Prosecutor	Screening Unit
Martha Mitchell	Victim/Witness Assistant	Victim / Witness Unit
Barbara Monaghan	Assistant Prosecuting Attorney	Circuit Court Unit
Rebecca Montroy	Information Clerk / Prosecuting Attorney	Screening Unit
Angela Morgan	Diversion Caseworker	Diversion Unit
Jacqueline Murphy	Warrant Clerk	Screening Unit
John Murray	Assistant Prosecuting Attorney	Family Court Unit
Laurie Oberle	Assistant Prosecuting Attorney	Family Support Unit
Marga Ogden	Clerk / Prosecuting Attorney	Screening Unit
Rose Olivett	Diversion Clerk - Prosecuting Attorney (shared-time)	Diversion Unit
James Pettibone	Unit Chief	Family Court Unit

Theresa Sadler	Warrant Clerk	Screening Division
Elizabeth J. Savage	Victim/Witness Assistant	Victim / Witness Unit
Cathy Simon	Clerk - Prosecuting Attorney	District Court Unit
Barbara Smith	Diversion Clerk - Prosecuting Attorney (shared-time)	Diversion Unit
Shondell Strickland	Victim/Witness Assistant	Victim/Witness Unit
Guy Sweet	Unit Chief	Family Support Unit
Nathaniel Thomas	Investigator	Family Support Unit
Helen J. Todd	Clerk - Prosecuting Attorney	District Court Unit
Maria Valayil	Domestic Violence Coordinator	Victim / Witness Unit
Lisa Watts	Support Investigator	Family Support Unit
Sherri J. Wiegman	Administrator	Administration
Lynda Williams	Secretary/Family Court - PA	Family Court Unit
Marie Wolfe	Assistant Prosecuting Attorney	Forfeiture Unit
Gladys Woodard	Circuit Court Coordinator	Circuit Court Unit