

# 2010 ANNUAL REPORT

WILLIAM A. FORSYTH  
PROSECUTING ATTORNEY



GARY A. WALLIN  
CHIEF ASSISTANT

# KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

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## Mission Statement

The mission of the Prosecutor's Office is to perform a variety of statutorily mandated services on behalf of the citizens of Kent County. This includes appearances in all criminal proceedings involving charges brought on behalf of the People of the State of Michigan in the various County District and Circuit Courts as well as appearances in delinquency, neglect/dependency, mental incompetency, and adult guardianship proceedings in both the Probate Court and Family Division of the Circuit Court. Additionally, the Appellate Division initiates and responds to appeals resulting from cases in which the Prosecutor's Office has appeared. Further, the Family Law Division, by virtue of both statutory requirements and contractual obligations, is responsible for the establishment of paternity and the securing of child support payments in cooperation with the Department of Human Services.

**WILLIAM A. FORSYTH----- Prosecuting Attorney**

Gary A. Wallin ----- Chief Assistant Prosecutor

Nadine Y. Schut ----- Administrator

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Editor:  
Nadine Y. Schut

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March, 2011 - Grand Rapids, Michigan

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While we have provided you with our yearly statistics, we have also provided some comparisons below between our office and the six largest counties in the state (excluding Wayne). We do so to demonstrate that not only is the staff of the Kent County Prosecutor's Office among the hardest working and most efficient in the state but that the Kent County taxpayers get far more for their tax dollars than do the citizens of other jurisdictions.

The felony conviction rate was chosen for a variety of reasons: (1) the conviction rates are based on the most recent statistics from the Michigan Department of Corrections. As such, we are assured that we are comparing apples and apples. The data of the Department of Corrections is collected in a consistent format from county to county; i.e. there is no concern that the various counties count their cases differently.

The total number of assistant prosecutors per county was divided into the number of felony convictions to show the average number of felony convictions per assistant, per county. This is, however, somewhat misleading because not all our assistants handle felony cases. For example, four are assigned exclusively to paternity and non-support cases, five handle nothing but juvenile delinquency and abuse and neglect cases, four are responsible for filing appeals and three are assigned solely to reviewing police reports and issuing warrants. In addition, the Chief Assistant does not have an assigned caseload and at least two other assistants are assigned to the district courts in Rockford and Cascade. As such, we only have seventeen assistants assigned to handle over 3,000 felony cases. While each county is required to utilize their assistants in a similar fashion, local practices and requirements vary dramatically and, as a result, make it difficult to get an accurate count as to the number of attorneys who actually are responsible for handling felony cases. Consequently, we simply divided the number of felony convictions by the total number of assistants.

	Budget	Assistants	Convictions	Convictions per APA
Oakland	\$28,202,907	95	4,613	49
Macomb	\$9,900,000	55	4,231	77
Kent	\$ 7,914,800	33	3,220	98
Genesee	\$ 8,984,000	38	1,718	45
Ingham	\$ 6,878,800	30.5	1,122	37
Kalamazoo	\$ 5,897,900	27	1,797	67

While these numbers are self-explanatory, two counties in particular show how efficiently we utilize staff: (1) Oakland has double the population of Kent County, but has three times the number of assistants and a budget that is almost four times as large, yet has a felony disposition rate that is half of Kent's; and (2) Genesee has a budget that is \$1,069,200 more than that of Kent, but it had 1,502 fewer felony convictions.

William A. Forsyth  
Kent County Prosecuting Attorney

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### ATTORNEY STAFF

**CHRISTOPHER BECKER**, Michigan State University, B.A.; Valparaiso University Law School, J.D.; 15 years of prosecution experience.

**JAMES K. BENISON**, Michigan State University, B.A.; University of Chicago, J.D.; 13 years of prosecution experience.

**GREGORY T. BOER**, Calvin College, B.A.; University of Iowa, J.D.; 21 years of prosecution experience.

**LAWRENCE BOIVIN**, McGill University, M.A.; B.A.; Thomas M. Cooley Law School, J.D.; 4 years of prosecution experience.

**KEVIN M. BRAMBLE**, Western Michigan University, B.S.; Thomas M. Cooley Law School, J.D.; 24 years of prosecution experience.

**HELEN V. BRINKMAN**, Michigan State University, B.S.; Thomas M. Cooley Law School, J.D.; 21 years of prosecution experience.

**TRACEY E. BROWER**, Michigan State University, B.A.; Thomas M. Cooley Law School, J.D.; 5 years of prosecution experience.

**STEVEN R. BURCH**, Michigan State University, B.A.; Thomas M. Cooley Law School, J.D.; 25 years of prosecution experience.

**LAURA A. CLIFTON**, Michigan State University, B.A.; Thomas M. Cooley Law School, J.D.; 8 years of prosecution experience.

**TIMOTHY M. DOYLE**, Michigan State University, B.A.; Detroit College of Law, J.D.; 12 years of prosecution experience. Left the office June 2010.

**TRAVIS J. EARLEY**, Grand Valley State University, B.S.; Thomas M. Cooley Law School, J.D.; 4 years of prosecution experience.

**ROBIN D. ESLINGER**, University of Illinois, B.A.; Northern Illinois University College of Law, J.D.; 15 years of prosecution experience.

**GERARD E. FABER**, Chaminade University, B.S.; Thomas M. Cooley Law School, J.D.; 6 years of prosecution experience.

**ALICIA M. FABIANO**, Michigan State University, B.A.; Michigan State University-Detroit College of Law, J.D.; 7 years of prosecution experience.

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**T. LYNN HOPKINS**, Michigan State University, B.A.; Thomas M. Cooley Law School, J.D.; 18 years of prosecution experience.

**MONICA M. JANISKEE**, Wayne State University, B.A.; Detroit College of Law, J.D.; 13 years of prosecution experience.

**ROBERT L. KLOOSTRA**, Calvin College, B.A.; Indiana University School of Law, J.D.; 25 years of prosecution experience. Retired May 2010.

**KELLEE A. KONCKI**, University of Missouri-Columbia, B.A.; St. Louis University School of Law, J.D.; 18 years of prosecution experience.

**JOSHUA J. KUIPER**, University of Michigan, B.A.; Wayne State University School of Law, J.D.; 6 years of prosecution experience.

**BLAIR T. LACHMAN**, University of Rhode Island, B.A.; Thomas M. Cooley Law School, J.D.; 8 years of prosecution experience.

**EDWARD J. LIS**, Aquinas College, B.S.; Thomas M. Cooley Law School, J.D.; 19 years of prosecution experience.

**TIMOTHY K. MCMORROW**, University of Notre Dame, B.A.; University of Michigan Law School, J.D.; 31 years of prosecution experience.

**JANICE KITTEL MANN**, University of Michigan, B.A.; Wayne State University School of Law, J.D.; 21 years of prosecution experience.

**KIMBERLY M. MANNS**, Hope College, B.A.; Thomas M. Cooley Law School, J.D.; 5 years of prosecution experience.

**DIANA S. MIERS**, University of Florida, B.A.; Thomas M. Cooley Law School, J.D.; started 11/01/2010.

**GARY A. MOORE**, University of Michigan, B.A.; Wayne State University School of Law, J.D.; 10 years of prosecution experience.

**BONNIE L. PREVETTE**, Michigan State University, B.A.; Thomas M. Cooley Law School, J.D.; 5 years of prosecution experience.

**ROSEMARY PRINCE MORT**, Aquinas College, B.S.; Wayne State University, J.D.; 20 years of prosecution experience.

**KIM RICHARDSON**, Hope College, B.A.; Valparaiso University School of Law, J.D.; 10 years of prosecution experience.

**VICKI L. SEIDL**, Central Michigan University, B.S.; Southern Illinois University of Law, J.D.; 15 years of prosecution experience.

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**MICHELLE C. SMITH**, Grand Rapids Baptist College, B.A.; Thomas M. Cooley Law School, J.D.; 8 years of prosecution experience.

**JAY W. STONE**, University of Michigan, B.A.; University of Toledo Law School, J.D.; 27 years of prosecution experience.

**B. SCOTT VANDERKOLK**, Grand Valley State University, B.S.; Michigan State University-Detroit College of Law, J.D.; 8 years of prosecution experience.

**MARK R. VANDERMOLEN**, University of Michigan, B.A.; Wayne State University, J.D.; 32 years of prosecution experience. Retired December 31, 2010.

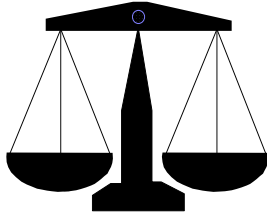
**MARK A. VERMEER**, Calvin College, B.A.; Valparaiso Law School, J.D.; 23 years of prosecution experience.

**GARY A. WALLIN**, Michigan State University, B.A.; Vanderbilt University Law School, J.D.; 37 years of prosecution experience. Retired December 31, 2010

**The average seniority for attorney staff in the Kent County Prosecutor's Office is 15+ years per attorney.**

# KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

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## CRIMINAL DIVISION

The Criminal Division handles the prosecution of State law violations in Kent County Circuit Court, 61<sup>st</sup> District Court, 62<sup>nd</sup> District Court-Divisions A & B, 63<sup>rd</sup> District Court, and 59<sup>th</sup> District Court. The office promotes specialization by assigning an attorney(s) to a specific type of case.

### Specialized Areas:

Arson	DEQ/DNR
Criminal Sexual Conduct	Vulnerable Adult Abuse
Controlled Substances	Child Abuse
Domestic Violence	Vehicular Homicide
Asset Forfeitures	

## SUPPORT STAFF

### **Kelly Roelofs (Retired December 31, 2010)-----Administrative Manager**

Dawn Bredeweg-----Clerk/Steno III (Bind Overs, Arraignments, DLRs)  
Lisa Chapman/Pat Novak-----Clerk/Typist II (Receptionist)  
Suzanne Dewey-----Legal Clerk (Nolles, Schedule, Trial Sheets, Warrants)  
Beulah Doyle-----Clerk/Clerk Typist II (File Clerk)  
Kara L. Ferris-----Paralegal Assistant (Supps, Diversion, Extraditions/Detainers)  
Linda Kovach-----Clerk III (Floater)  
Denise Lange-----Legal Clerk (62<sup>nd</sup>/59<sup>th</sup> DC, Drug Forfeitures)  
Joni Mehl-----Legal Clerk (Appeals, Warrants, Forensics)  
Deb Morris-----Legal Clerk (Warrants, Case Files, Police Reports)  
Carol Parsaca-----Clerk III (61<sup>st</sup> District Court)  
Elaine Pellerito-----Clerk III (63S DC, Assist w/61<sup>st</sup> District Court)  
Katie Perlmutter-----Clerk III (Floater)  
Shonnie Plasman-----Legal Clerk (Motions, Amendeds, Bond Estreatments)  
Kathy Vazquez-----Clerk III (Circuit Court)  
Lori Watson-----Clerk IV (63N DC, Assist w/61<sup>st</sup> District Court)

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Kent County has seventeen law enforcement agencies that submit charging/warrant requests to the Kent County Prosecutor's Office for review and approval or denial. Three Assistant Prosecuting Attorneys are responsible for thoroughly reviewing all evidence that accompany these warrant requests, including incident reports, witness statements, and a review of the suspect's criminal history before a charging decision is made. Other Assistant Prosecutors may also review warrant requests, particularly if the case involves an allegation of criminal sexual conduct, child abuse, or homicide. Additionally, both attorney and support personnel are in the office on weekends/holidays for warrant review and production since felony lockups require arraignment within 24 hours of arrest.

WARRANTS AUTHORIZED								
	2003	2004	2005	2006	2007	2008	2009	2010
Felony	4,328	4,295	4,525	4,635	4,538	4,597	4,596	4,072
High Misdemeanor	3,479	3,659	3,731	4,056	3,668	3,793	3,087	2,540
Small Misdemeanor	1,324	1,193	1,507	1,302	1,235	1,411	1,509	1,557
<b>Total</b>	<b>9,131</b>	<b>9,147</b>	<b>9,763</b>	<b>9,993</b>	<b>9,441</b>	<b>9,801</b>	<b>9,192</b>	<b>8,169</b>

In 2008 the Kent County Prosecutor's Office wrote 1,744 high misdemeanor warrants for the offense of Driving on a Suspended License 2nd Offense (hereinafter referred to as DWLS). DWLS 2nd is a high misdemeanor punishable by up to one year in the Kent County Jail. DWLS 1st, on the other hand, is a small misdemeanor punishable by no more than 93 days in jail. A police officer may charge a driver with DWLS 1st at the scene of a traffic stop by simply issuing a ticket. A police officer, however, cannot write a ticket for DWLS 2nd. A person can only be charged with DWLS 2nd after the issuance of a warrant. The mechanics of producing a warrant are fairly labor intensive on several fronts. From the arresting police agencies' perspective it is necessary to generate an incident report (police report) which must be forwarded to the Prosecutor's Office for review. Once the report has been reviewed and a warrant written, it is then incumbent upon the arresting police agency to have the warrant authorized by a District judge. After doing so, it is then necessary to make arrangements to process (obtain fingerprints and arraign before a judge and/or magistrate) the offender. In order to write a warrant, an assistant prosecutor must read the police report, review the offender's driving record, fill out a warrant worksheet and submit it to a clerk for production. However, if a driver is simply issued a ticket at the scene of a traffic stop, all of the above-described steps are eliminated.

Of the 1,744 offenders charged with DWLS 2nd a subsequent review of jail records disclosed that none of them had been sentenced to jail for more than 93 days unless they had committed another crime or crimes in conjunction with the DWLS offense. As such, we concluded that both our office and the respective police agencies were expending a tremendous amount of time and expense obtaining warrants for DWLS 2nd when, from an incarceration/punishment perspective, the same result could be achieved by simply writing a ticket for DWLS 1st. After this information was shared with local law enforcement, all area police agencies agreed, with certain exceptions, to simply write a ticket for DWLS 1st in lieu of requesting a warrant for DWLS 2nd. This change has resulted in 1,426 fewer misdemeanor warrants being written in 2010.

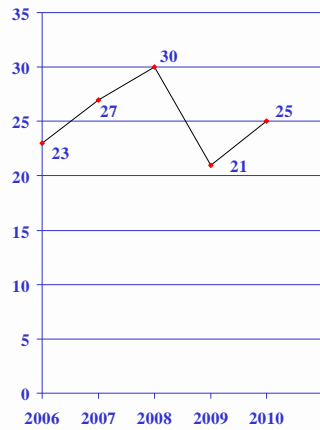
WARRANTS DENIED*								
	2006	2007	2008	2009	2010			
Felony	542	591	605	701	665			
High Misdemeanor	323	293	337	350	383			
Small Misdemeanor	1,093	1,301	1,375	1,559	1,460			
<b>Total</b>	<b>1,958</b>	<b>2,185</b>	<b>2,317</b>	<b>2,610</b>	<b>2,508</b>			

\*Tracking denials began in 2006.

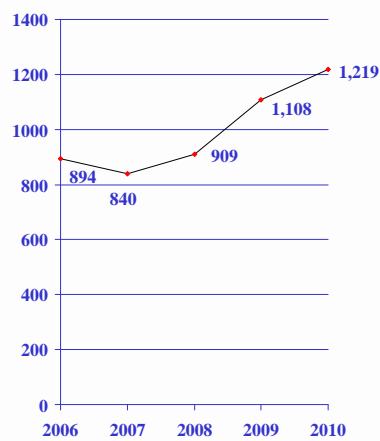
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## HOMICIDE CHARGES



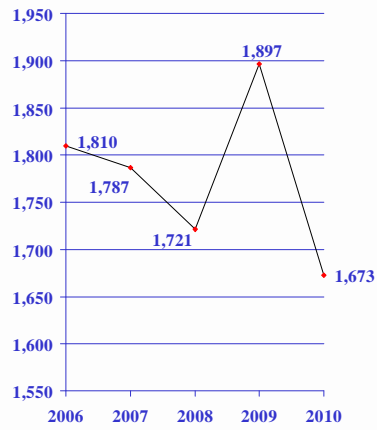
## DOMESTIC VIOLENCE CHARGES



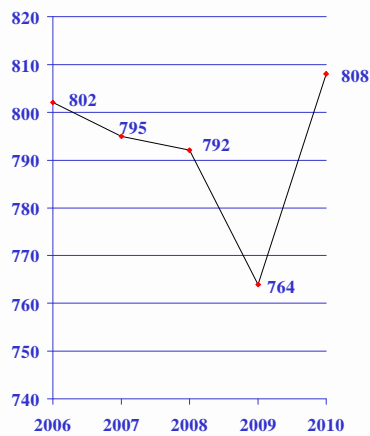
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## CONTROLLED SUBSTANCE CHARGES



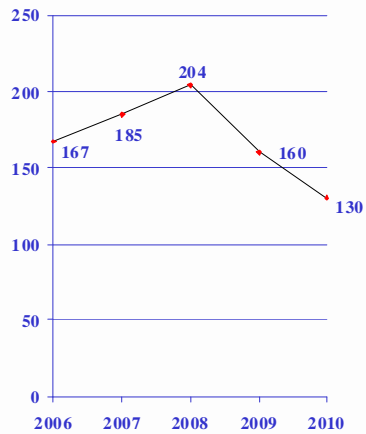
## OUIL/OWVI CHARGES



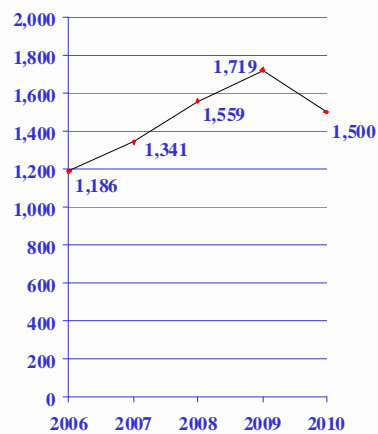
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## ROBBERY CHARGES



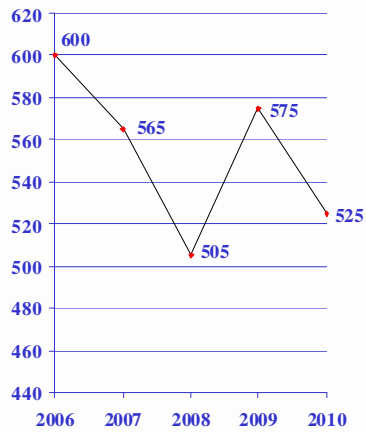
## RETAIL FRAUD/ LARCENY CHARGES



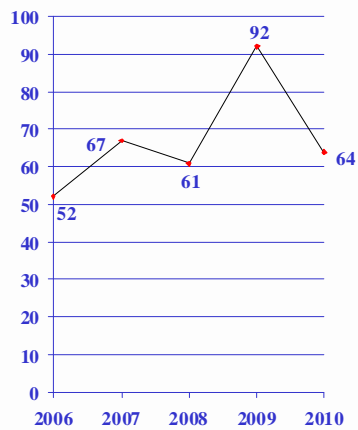
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## BURGLARY CHARGES



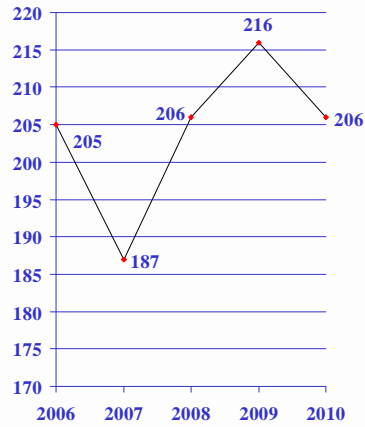
## CHILD ABUSE CHARGES



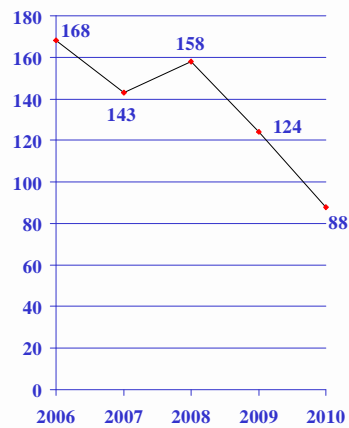
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## CRIMINAL SEXUAL CONDUCT CHARGES



## EMBEZZLEMENT CHARGES



## KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

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### CONTESTED FORFEITURES

In an effort to reduce the financial incentive to commit drug offenses, the State Legislature gave police agencies the ability to seize and forfeit money, vehicles, or other property which are the direct result of drug trafficking. Police may seize property based on probable cause that it is the proceeds of illegal drug trafficking. If the owner does not contest the seizure within 20 days, the property is automatically forfeited to the seizing police agency. If the owner does contest the seizure, the case is reviewed by the Prosecutor's Office for possible civil filing with the Circuit Court.

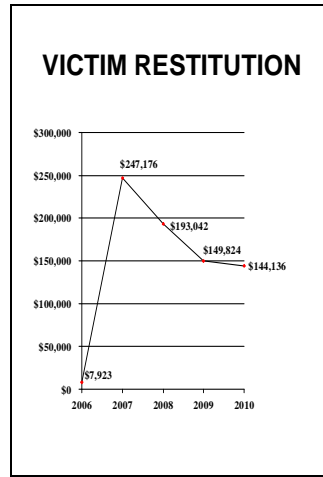
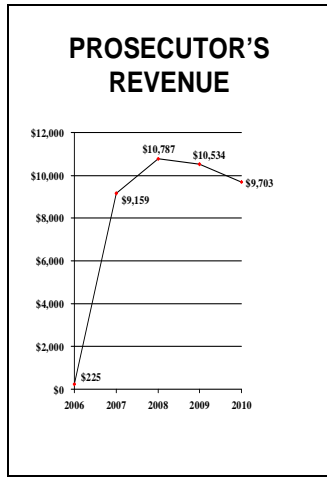
### CASH/VEHICLES FORFEITED

	2006	2007	2008	2009	2010
<b>KCSD</b>					
Forfeitures Filed	3	1	5	1	0
Vehicles Forfeited	2	0	1	0	0
Cash Forfeited	\$42,413	\$2,000	\$6,870	\$0	\$0
<b>GRPD</b>					
Forfeitures Filed	9	12	7	26	23
Vehicles Forfeited	4	4	3	2	8
Cash Forfeited	\$29,796	\$7,137	\$16,545	\$142,585	\$21,715
<b>MET</b>					
Forfeitures Filed	9	4	1	7	0
Vehicles Forfeited	2	1	0	0	0
Cash Forfeited	\$6,659	\$14,140	\$2,800	\$7,250	\$131,640
<b>KANET</b>					
Forfeitures Filed	0	0	0	3	3
Vehicles Forfeited	0	0	0	7	1
Cash Forfeited	\$0	\$0	0	\$22,233	\$12,087
<b>MSPR</b>					
Forfeitures Filed	0	0	1	0	0
Vehicles Forfeited	0	0	1	0	0
Cash Forfeited	\$750	\$0	\$4,320	\$0	\$0
<b>LPD</b>					
Forfeitures Filed	0	0	0	1	0
Vehicles Forfeited	0	0	0	0	1
Cash Forfeited	\$0	\$0	\$0	\$0	\$0
<b>Total Forfeitures Filed</b>	<b>21</b>	<b>17</b>	<b>14</b>	<b>38</b>	<b>26</b>
<b>Total Vehicles Forfeited</b>	<b>8</b>	<b>5</b>	<b>5</b>	<b>9</b>	<b>10</b>
<b>Total Cash Forfeited</b>	<b>\$79,618</b>	<b>\$23,277</b>	<b>\$30,535</b>	<b>\$172,068</b>	<b>\$165,442</b>

Judgments for forfeited money and property may not necessarily occur in the same year as a contested forfeiture filing. Cases may be filed in one year and not reach resolution until the following year. Hence, cash and vehicles forfeited are not always directly related to the specific filings for that year. Additionally, often there are miscellaneous items forfeited (e.g., jewelry, stereo equipment, cell phones, etc.) that are not reported in this publication.

# KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

## Bad Check Program

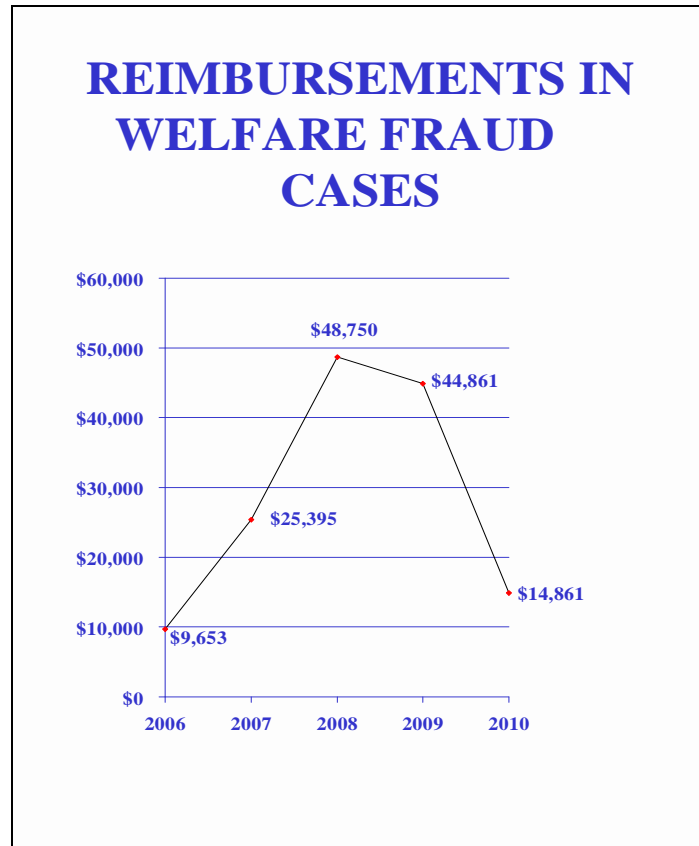


Year	Prosecutor's Revenue	Victim Restitution	Class Attendance	Check Volume
2006	\$225	\$7,923	N/A	938
2007	\$9,159	\$247,176	984	6,297
2008	\$10,787	\$193,042	815	4,244
2009	\$10,534	\$149,824	643	3,411
2010	\$9,703	\$144,136	457	2,694
<b>TOTALS</b>	<b>\$40,408</b>	<b>\$742,101</b>	<b>2,899</b>	<b>17,584</b>

A Bad Check Restitution Program was initiated in November 2006. The program was implemented in an effort to assist local merchants with losses stemming from bad checks and to help ease the burden of check enforcement by local law enforcement agencies. In lieu of police agencies devoting precious resources to investigate non-sufficient fund and/or closed account check complaints, merchants are referred to the check program. The primary goal of the program is to obtain full restitution for the victim without adding to the financial burden of the criminal justice system and operates at no cost to the county or taxpayers. First time bad check offenders are given the opportunity to avoid criminal prosecution by attending a mandatory intervention class, in addition to paying restitution. The benefits of the program are multi-faceted: (1) merchants receive restitution (2) law enforcement is relieved of the responsibility of having to investigate thousands of bad check complaints (3) offenders avoid criminal prosecution and are offered a course in money management in an effort to provide them the skills to avoid future difficulties, and (4) an already busy court system is freed from the burden of additional cases and the costs attendant to such cases.

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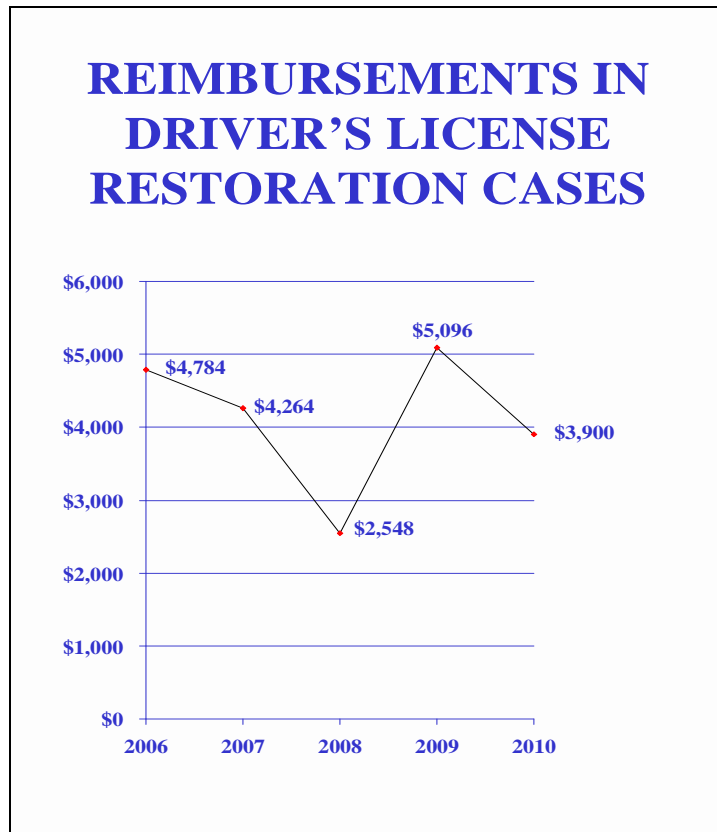
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Pursuant to US Code: Title 7, Section 2025(a), the Secretary is authorized to pay to each State agency an amount equal to 50 percent of all administrative costs involved in each State agency's operation of the food stamp program, which costs shall include, but not be limited to, ... (7) food stamp program investigations and prosecutions, ... The State then reimburses the County a portion of what it costs to prosecute cases where an offender has been charged with food stamp fraud.

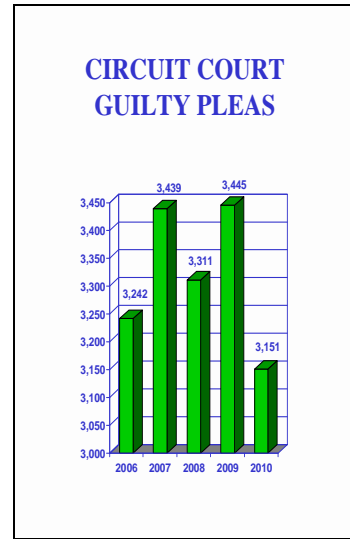
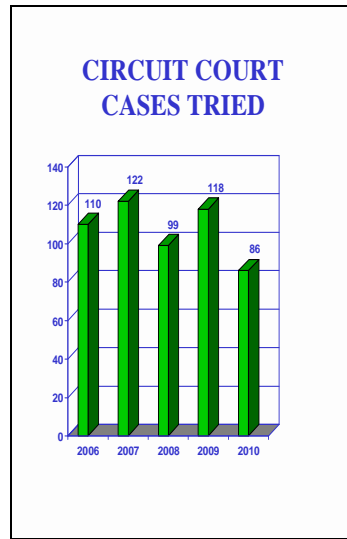
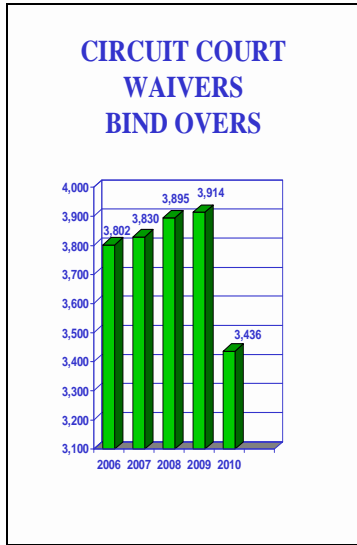
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Pursuant to MCL 257.323; MSA 9.2023, the Prosecuting Attorney represents the Secretary of State in response to a petition filed in circuit court for judicial review of a revocation or suspension of a driver's license imposed by the Secretary of State. The Office of the Prosecuting Attorney receives reimbursement for representing the State in these cases.

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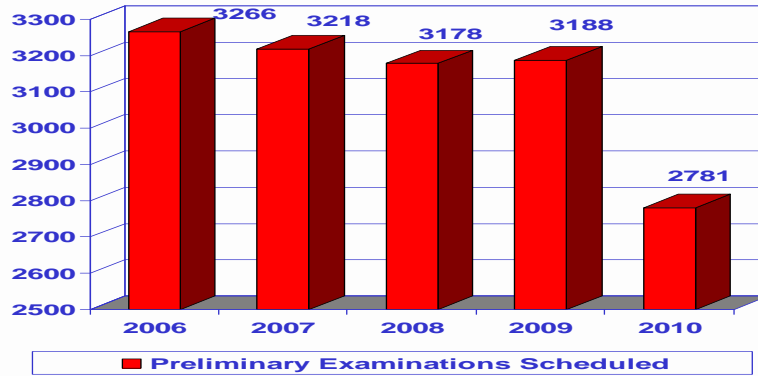


## CIRCUIT COURT

	2006	2007	2008	2009	2010
Cases Waived or Bound Over	3,802	3,830	3,895	3,914	3,436
<b>Trials</b>	110	122	99	118	86
<b>Guilty Pleas</b>					
Capital	147	140	137	154	119
Non-Capital	3,095	3,299	3,174	3,291	3,032
<b>Total</b>	<b>3,242</b>	<b>3,439</b>	<b>3,311</b>	<b>3,445</b>	<b>3,151</b>

# KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

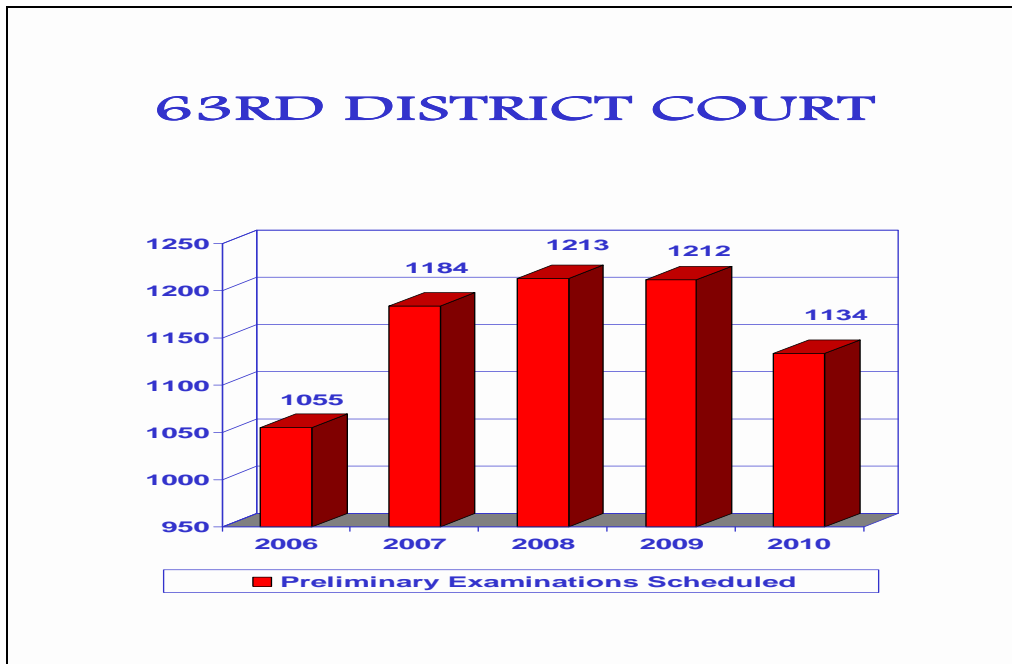
## 61ST DISTRICT COURT



	2006	2007	2008	2009	2010
<b>Preliminary Examinations Scheduled</b>	3,266	3,218	3,178	3,188	2,781
<b>Waived</b>	1,555	1,669	1,790	1,779	1,613
<b>Bound Over</b>	205	189	161	163	123
<b>Misdemeanor Pleas</b>	436	434	394	462	342
<b>Felony Pleas</b>	338	250	248	199	158
<b>Adjourned</b>	521 (62-Drug Ct)	499 (38-Drug Ct)	379 (44-Drug Ct)	399 (49-Drug Ct)	389 (36-Drug Ct)
<b>Nolle/Dismissed (By Court or Prosecutor)</b>	135	112	112	90	77
<b>Defendant FTA</b>	76	65	48	45	38
<b>Pre-Trials</b>	1,847	1,544	1,311	1,436	1,354
<b>Jury Picks</b>	312	230	267	330	279
<b>Settlement Conferences</b>	1,677	1,494	1,750	1,653	1,553
<b>Formal Hearings</b>	33	64	38	49	44
<b>Trials Scheduled</b>	200	143	139	144	164
<b>Motions</b>	103	57	73	63	78

## KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

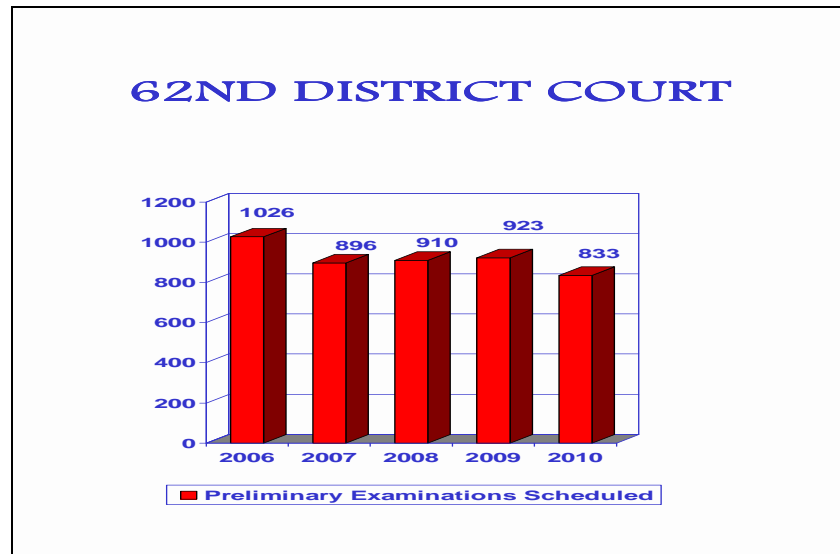
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	2006	2007	2008	2009	2010
<b>Preliminary Examinations Scheduled</b>	1,055	1,184	1,213	1,212	1,134
<b>Waived</b>	611	699	684	725	647
<b>Bound Over</b>	39	44	42	42	47
<b>Misdemeanor Pleas</b>	138	107	134	141	145
<b>Felony Pleas</b>	98	112	84	50	42
<b>Adjourned</b>	130	169	222	198	209
<b>Nolle/Dismissed (By Court or Prosecutor)</b>	28	46	26	45	35
<b>Defendant Failed to Appear</b>	11	7	13	11	9
<b>Pre-Trials</b>	2,801	2,803	2,847	3,053	3,188
<b>Jury Picks</b>	1,138	1,089	1,221	1,143	1,165
<b>Formal Hearings</b>	181	170	177	182	138
<b>Trials Scheduled</b>	419	464	406	400	470
<b>Motions</b>	67	60	78	64	113

## KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

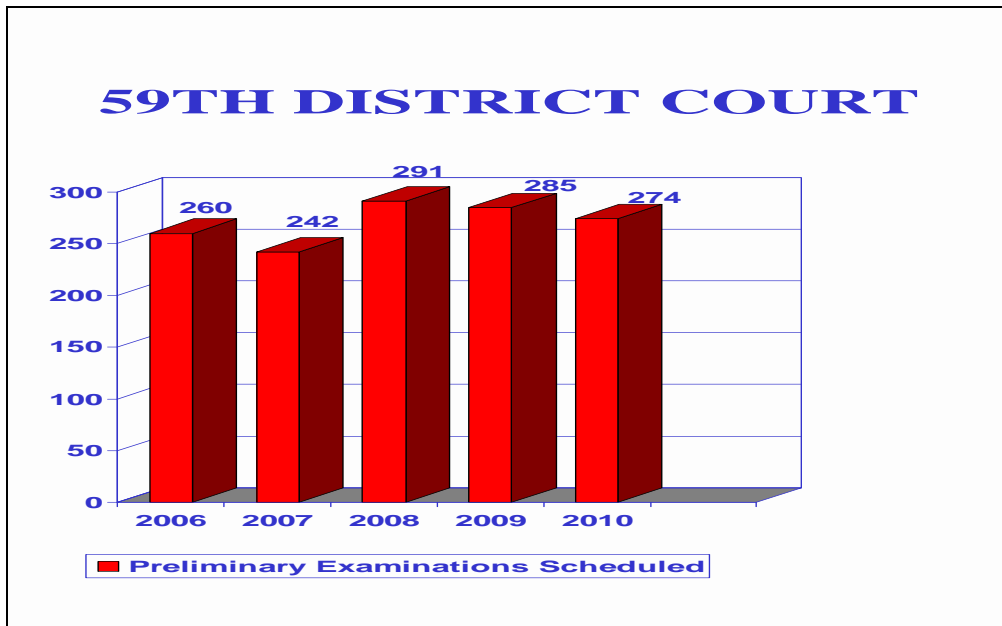
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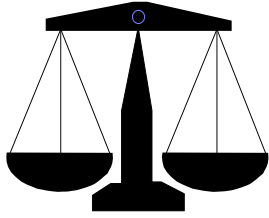
	2006	2007	2008	2009	2010
<b>Preliminary Examinations Scheduled</b>	1026	896	910	923	833
<b>Waived</b>	596	535	532	563	511
<b>Bound Over</b>	40	28	37	33	39
<b>Misdemeanor Pleas</b>	104	109	104	142	67
<b>Felony Pleas</b>	33	59	45	42	32
<b>Adjourned</b>	289	127	154	128	152
<b>Nolle/Dismissed (By Court or Prosecutor)</b>	35	27	29	34	20
<b>Defendant Failed to Appear</b>	28	11	9	11	16
<b>Pre-Trials</b>	885	848	735	955	882
<b>Jury Picks</b>	159	103	117	136	112
<b>Formal Hearings</b>	6	1	6	19	6
<b>Trials Scheduled</b>	185	165	122	202	195
<b>Motions</b>	8	10	21	24	17

## KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

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	2006	2007	2008	2009	2010
<b>Preliminary Examinations Scheduled</b>	260	242	291	285	274
<b>Waived</b>	161	158	180	190	178
<b>Bound Over</b>	6	2	8	12	10
<b>Misdemeanor Pleas</b>	31	31	32	31	34
<b>Felony Pleas</b>	22	28	29	22	11
<b>Adjourned</b>	34	13	37	27	39
<b>Nolle/Dismissed (By Court or Prosecutor)</b>	1	8	5	1	2
<b>Defendant Failed to Appear</b>	5	2	0	2	0
<b>Pre-Trials</b>	432	347	412	367	390
<b>Jury Picks</b>	1	0	0	0	0
<b>Formal Hearings</b>	8	6	4	3	5
<b>Trials Scheduled</b>	7	17	12	11	4
<b>Motions</b>	2	11	4	7	13



## **APPELLATE DIVISION**

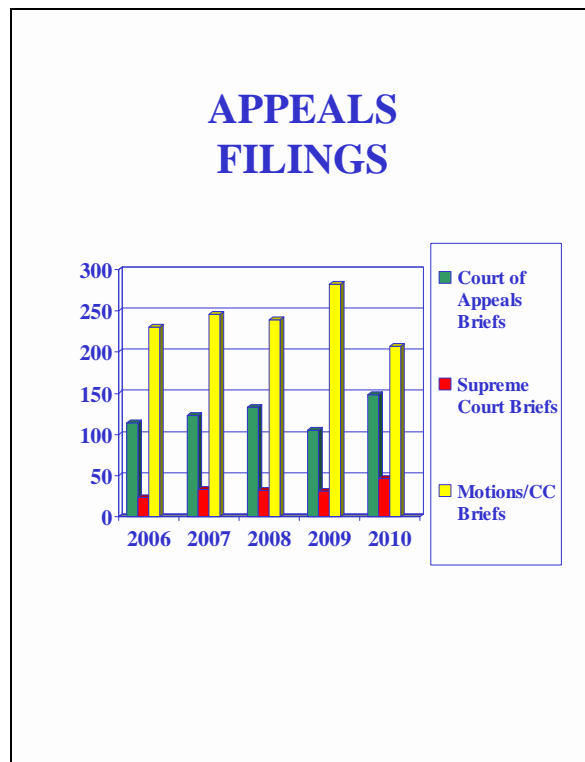
The primary responsibilities of the Appellate Division involve initiating and responding to appeals resulting from cases in which the Prosecutor's Office has appeared as counsel.

The majority of appeals arise from convictions or court rulings in criminal prosecutions. Jurisdiction over these appeals may be in the Circuit Court, Court of Appeals, the Michigan Supreme Court, or in the federal court system. The appellate attorneys' function is to handle all procedural and substantive matters relative to these appeals, from brief writing to oral argument. If an appeal is denied and a conviction upheld, it is also the appellate staff's responsibility to see that the imposed sentence is executed.

In addition to the aforementioned appellate work, the attorneys provide legal advice and research assistance to attorneys in all divisions of the office.

## KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

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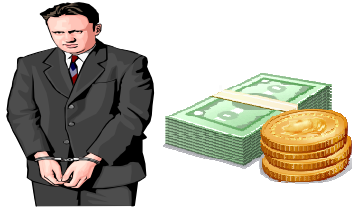


### APPELLATE DIVISION STATISTICS

<b>Briefs Filed</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Court of Appeals	114	123	133	105	148
Supreme Court	23	33	32	31	46
District & Circuit Ct Pleadings/Briefs	230	246	239	282	207
<b>TOTAL</b>	<b>367</b>	<b>402</b>	<b>404</b>	<b>418</b>	<b>401</b>

## KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

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### BOND FORFEITURES

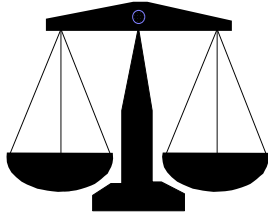
In 2004 we began to actively file bond forfeiture motions for defendants' failure to appear at hearings. The benefits of this are two-fold: (1) Additional revenue for the County. The County Clerk's Office receives any bond monies forfeited as a result of our filings and; (2) Sureties have become more aggressive in trying to track down defendants who have failed to appear and bring them in for court appearances. Once an order is entered the Surety has one year in which to bring in the defendant and not forfeit the bond.

	2006	2007	2008	2009	2010
Bond Forfeitures Filed	86	63	42	32	22

ORDERED				COLLECTED						
Year	Originally Ordered	Dismissed Per Court Order	Net Total Ordered	Year	Total Collected	Refunded Per Court Order*	Court Costs	Extradition Fees	Actual Revenue > 1 Year	Deferred Revenue < 1 Year
2006	206,900	(17,600)	189,300	2006	72,165	(11,682)	2,000	1,318	134,490	-
2007	288,600	(31,000)	257,600	2007	47,750	(6,951)	1,424	-	66,165	-
2008	194,500	(26,750)	167,750	2008	51,850	(5,525)	865	-	36,885	\$48,100
2009	152,500	(78,875)	73,625	2009	58,038	(26,650)	1000	-	64,050	\$15,138
2010	122,600	(70,250)	52,350	2010	14,086	(2,775)	921	-	12,092	14,086
<b>Total</b>	<b>\$965,100</b>	<b>(\$224,475)</b>	<b>\$740,625</b>	<b>Total</b>	<b>\$243,889</b>	<b>(\$53,583)</b>	<b>\$6,210</b>	<b>\$1,318</b>	<b>\$313,682</b>	<b>\$77,324</b>

\*Refunded Per Court Order = Judgments Set Aside

## VICTIM/WITNESS UNIT



The Victim/Witness Unit of the Kent County Prosecutor's Office is located in the Kent County Courthouse at 180 Ottawa, Suite 5400. Under the Crime Victim's Rights Act, P.A. 87 of 1985, MCL 780.751 et al., the Prosecutor's Office is mandated to provide certain services for victims of crime. This office provides the following mandated services:

### **Victim Assistance**

1. An explanation of the criminal justice system and a victim's rights within the criminal justice system.
2. Contact with the victim from arraignment to disposition of the case.
3. Assistance with applying for Crime Victim's Compensation.
4. Provide case status information.
5. Link victims and families with other personnel, such as the police or prosecutor.
6. Assist with the return of property.
7. Referrals to other agencies for special needs.
8. Crisis intervention

### **Witness Assistance**

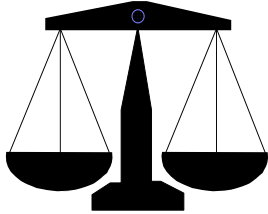
1. Notify witnesses of court appearances and provide instructions.
2. Answer questions about the criminal justice system.
3. Notify witnesses of changes, delays, and times to appear.
4. Inform witnesses of case dispositions.
5. Assist in resolving conflicts (vacation, illness, reluctant employer, threats/harrassment, etc.).
6. Greet witnesses, update witness information, and obtain information for witness fee processing.
7. Escort witnesses from waiting area to offices and/or courtrooms as needed.

### **Pretrial Services**

1. Assist the service officer when service information is outdated, incorrect, or incomplete.
2. Monitor service and service problems and assist in attempts to locate missing/uncooperative witnesses.
3. Arrange testimony when necessary for special hearings on missing witnesses.
4. Arrange for special services such as travel, accommodations, interpreters, cabs, Ambucabs, etc.

# KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

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## VICTIM/WITNESS UNIT STAFF

Anita Droog----- Administrative Manager

### 61<sup>st</sup> District Court

Ruth Stephen (Retired 12/2010)----- Case Manager

Sarah Smith----- Case Manager

Lisa Flory-----Case Manager

### 63rd District Court

Jan Fortier----- Case Manager

### 62A/62B (Wyoming/Kentwood) & 59G/59W (Grandville/Walker) District Courts

Rita Caruth----- Case Manager

Vicki Plowman----- Case Manager

### Juvenile/Family Court

Sandy Kaufman - Delinquency Cases----- Case Manager

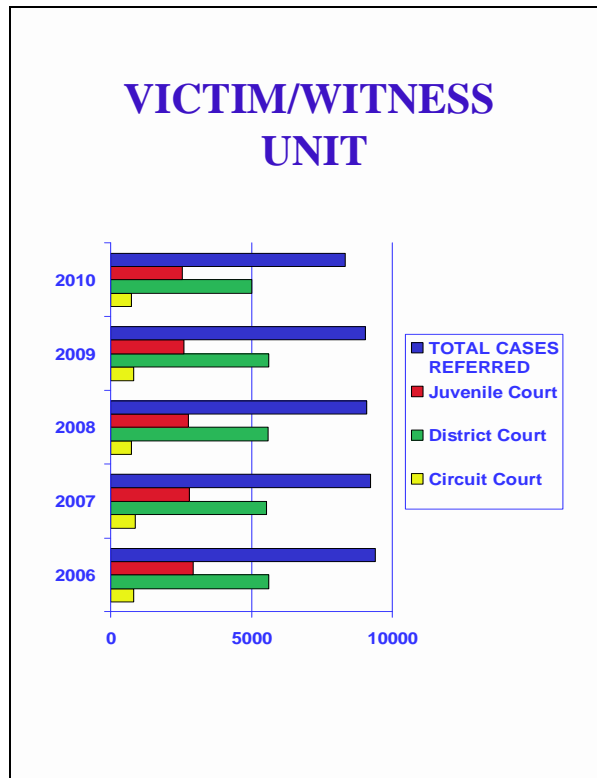
### Clerks

Kristine Andrus----- Receptionist

Chris Emery----- Crime Victims Rights/Compensation Clerk

## KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

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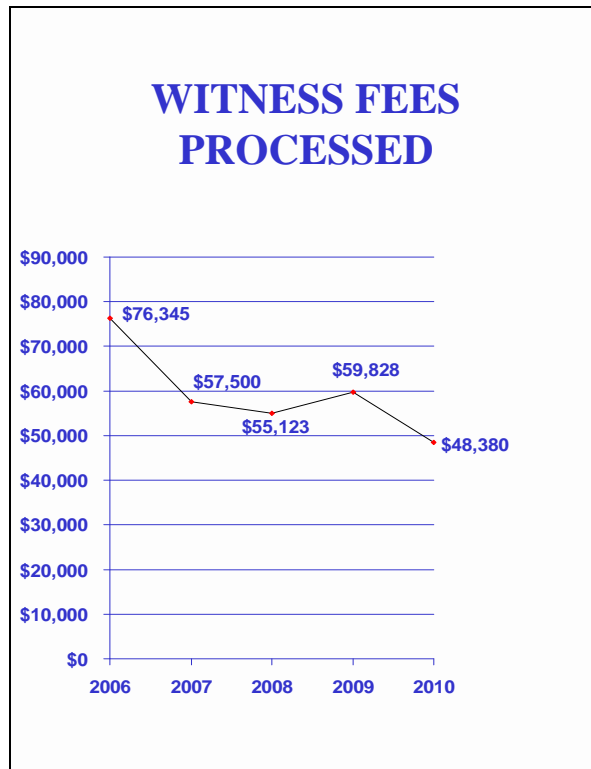
### VICTIM/WITNESS UNIT

	2006	2007	2008	2009	2010
<b>Cases Referred</b>					
Circuit Court	816	880	747	820	746
District Court	5,607	5,540	5,592	5,608	5,022
Juvenile Court	2,936	2,801	2,758	2,614	2,548
<b>TOTAL</b>	<b>9,359</b>	<b>9,221</b>	<b>9,097</b>	<b>9,042</b>	<b>8,316</b>
<b>Volunteer Hours</b>					
	1,673	2,439	1,062	1,010	1,440

The Victim/Witness Unit utilizes volunteers made up of senior citizens as well as high school and college students. This is a unique opportunity for high school and college students who are interested in social service or law enforcement careers to participate in internships for credit and experience firsthand various areas of the justice system.

## KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

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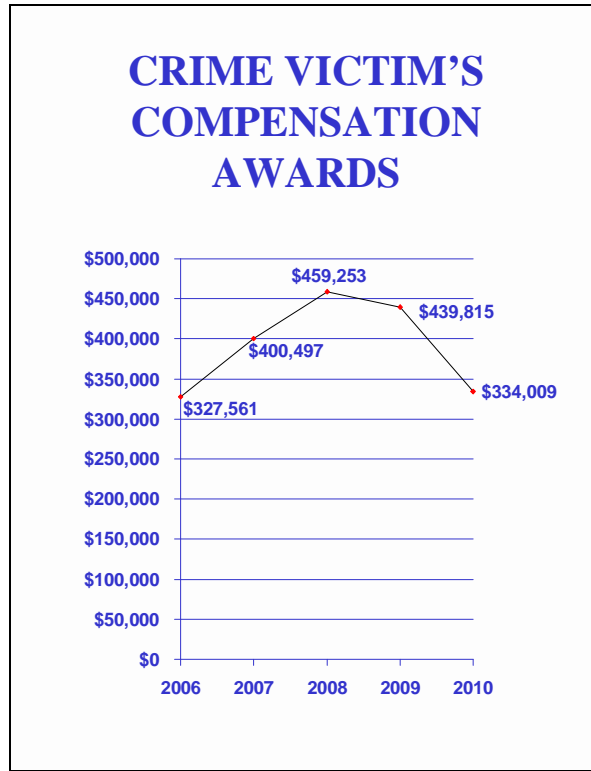
	2006	2007	2008	2009	2010
<b>Witnesses Subpoenaed</b>					
<b>Police</b>					
Adult Cases	13,680	14,422	13,718	14,102	12,456
Juvenile Cases	554	368	420	441	320
<b>Civilians</b>					
Adult Cases	9,167	8,762	8,542	9,400	8,705
Juvenile Cases	1,725	1,101	1,134	1,002	964
<b>TOTAL</b>					
Adult Cases	<b>22,847</b>	<b>23,184</b>	<b>22,260</b>	<b>23,502</b>	<b>21,161</b>
Juvenile Cases	<b>2,279</b>	<b>1,469</b>	<b>1,554</b>	<b>1,443</b>	<b>1,284</b>
<b>Witness Fees Processed</b>					
Adult Cases	\$44,677	\$36,875	\$40,377	\$44,953	\$41,036
Juvenile Cases	\$31,668	\$20,625	\$14,746	\$14,875	\$7,344
<b>TOTAL</b>	<b>\$76,345</b>	<b>\$57,500</b>	<b>\$55,123</b>	<b>\$59,828</b>	<b>\$48,380</b>

In an effort to control witness fee costs a new process was fully implemented in 2006 in which only the investigating detective and victim are subpoenaed for the preliminary examination in most cases. The benefits are two-fold:

(1) Savings on witness fee costs and; (2) Civilian and police witnesses are not brought into court unnecessarily. Additionally, police agencies benefit by not having to pay off-duty officers for up to three hours of overtime for a court appearance and this frees on-duty officers to remain "on the job," in lieu of having to sit in a courtroom.

## KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

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### VICTIM/WITNESS UNIT

	2006	2007	2008	2009	2010
<b>Crime Victim's Compensation</b>					
<b>State Awards to Victims</b>	\$327,561	\$400,497	\$459,253	\$439,815	\$334,009
<b>No. of Victims Assisted with Crime Victims Compensation Claims</b>	427	329	422	412	454

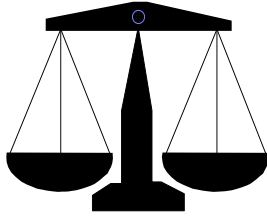
The Michigan Crime Victim Compensation Act of 1976 may provide financial assistance to crime victims who are injured, or who lose earnings or support because of a crime committed in Michigan. Section 18.351 of the Michigan Compiled Laws governs the Michigan Crime Victims Compensation Board. Members of the Victim/Witness Unit assist victims in applying for this compensation when applicable.

The Department of Community Health's Crime Victim Services Commission awards grant monies every year to Prosecuting Attorneys' Offices throughout the State of Michigan to help fund resources to ensure victims are personally assisted through the criminal justice process as well as applying for compensation. In 2010 a \$142,000 grant was awarded to help fund the work the Victim/Witness Unit performs on behalf of victims of crime as mandated under the Michigan Crime Victims Rights Act.

# KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

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## FAMILY LAW DIVISION



Through both statutory and contractual arrangements, the Prosecutor's Office is responsible for the establishment of paternity and the securing of child support orders. The objective of the cooperative reimbursement program is to secure child support payments from those legally liable and financially able to provide for their children; thereby shifting the burden for the support of minor children from the Department of Human Services to the responsible parent. Furthermore, legal representation is provided to any Kent County resident desiring paternity or child support litigation. In return, the county receives an incentive of all monies collected.

Tracey E. Brower -----Assistant Prosecuting Attorney  
Diana S. Miers ----- Assistant Prosecuting Attorney  
**Rosemary Prince Mort -----Assistant Prosecuting Attorney**  
**Mark A. Vermeer -----Assistant Prosecuting Attorney**

**Bruce Hahn -----Caseworker Supervisor**  
Rebecca Bartley -----Caseworker  
Lisa M. Costen/Kristina Huber (Shared Position) -----Senior Caseworker  
Sherri Foster -----Caseworker  
Belinda Lopez -----Caseworker Assistant

**Brandy Johnson-----Office Administrator**  
Sarah Brandt -----Clerk III (Defaults)  
Tina Gillhooley -----Clerk III (Service)  
Kay James -----Clerk II (Receptionist)  
Anne Jetzer -----Clerk III (Hearings)  
Cheryl Stanard -----Clerk Typist II (Records)  
Jolene Stream -----Clerk Typist II (Referrals)  
Terri L. White -----Clerk Typist II (Consent Judgments)  
Ashley Wilson -----Clerk Typist II (Complaints)  
Ila Winbush-----Clerk III (Paternity Cases/Hearings)

## KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

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### COOPERATIVE REIMBURSEMENT PROGRAM

	05/2006	06/2007	07/2008	08/2009	09/2010
<b>Personnel</b>	19	19	19	19	19
<b>Approved Budget</b>	\$1,516,076	\$1,660,943	\$1,624,291	\$1,757,276	1,799,828
<b>State Funds Expended</b>	956,503	\$1,042,907	\$1,036,845	\$1,081,010	1,052,078
<b>County Funds Expended</b>	\$492,744	\$537,255	\$534,132	\$556,884	541,980
<b>Actual Budget</b>	1,449,247	1,580,162	1,570,977	1,637,894	1,594,058
<b>Cases Opened</b> *Case inventory declined as referrals from the Office of Child Support were down.	3,900	4,160	3,940	3,535*	3,413
<b>Cases Continued</b>	2,645	2,674	2,552	2,502	2,332
<b>Cases Closed</b>	3,871	4,282	3,990	3,705	3,791
<b>Cases Pending</b>	2,674	2,552	2,502	2,332	1,954
<b>Judgments</b>	2,320	2,936	2,643	3,131	3,103

The rules governing case closure require us to keep a case in “locate” (i.e. pending) for three (3) years if we have a social security number for the father, or one (1) year if a social security number is unknown. Additionally, if the mother is non-cooperative we are required to keep the case open indefinitely while the Office of Child Support handles the non-compliance issue. Consequently, these rules restrict what we can do to reduce or limit the number of “Cases Pending”.

In 2004 the process of interviewing the plaintiff (mother) before filing a case was instituted. This became necessary because of the lack of and/or inaccurate information provided in new referrals. Although the interview process is an extra step and requires additional staff time, it is a necessity that provides us with the information needed to determine if a case should be filed.

## KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT



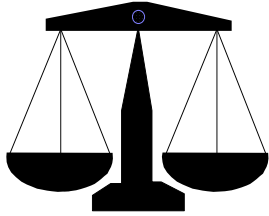
	2006	2007	2008	2009	2010
<b>Support Ordered per/mo</b> * 2009 decrease due primarily to the modified Michigan Child Support Formula effective 10/01/08.	\$372,711	\$463,304	\$391,642	\$283,112*	\$291,750
<b>Support Ordered-Annual</b>	\$4,472,532	\$5,559,648	\$4,699,704	\$3,397,344	\$3,501,000
<b>Confinement Judgments</b> *2009 decline due to the Office of Child Support Policy change regarding the calculation of amount due from the father.	\$4,146,786	\$4,678,416	\$4,757,473	\$2,512,642*	\$2,462,320
<b>Cost Per Positive Disposition</b>	\$625	\$519	\$594	\$523	\$514
<b>Cases Completed w/i 6 Mos from Service Date</b>	98%	99%	98%	93%	96%
<b>Cases Completed w/i 12 Mos from Service Date</b>	99%	99%	98%	94%	96%
<b>Cases w/Support Orders Entered</b>	82%	82%	84%	83%	83%
<b>Cases w/Paternity Established</b>	100%	98%	96%	96%	96%

**Objectives**

- Complete 75% of cases within six (6) months from service date and 90% within twelve (12) months from service date as required by federal regulations.
- Enter support orders in 80% of cases and establish paternity in 90% of cases as required by federal regulations.

The Kent County Prosecutor's Office was 9% above the state average in establishing paternity and 4% above the state average for setting support in 2010.

**JUVENILE DIVISION**



The staff of the Juvenile Division has three primary areas of responsibility: delinquency, neglect/dependency and mental incompetency hearings. In addition, the attorneys are statutorily mandated to represent those who have filed a petition with the Circuit Court seeking the issuance of a PPO (i.e. Personal Protection Order). Staff also acts as a resource for the many social service, counseling, and youth programs associated with the juvenile justice system. Everyday responsibilities include providing legal advice to virtually everyone involved in child welfare: police, probation officers, and social workers.

**Vicki K. Seidl -----Senior Prosecuting Attorney**

Lawrence J. Boivin -----Assistant Prosecuting Attorney

Laura A. Clifton -----Assistant Prosecuting Attorney

Alicia M. Fabiano -----Assistant Prosecuting Attorney

Bonnie L. Prevette-----Assistant Prosecuting Attorney

Sue Barfelz -----Clerk/Typist III

Carol Smedley -----Clerk/Typist III

## KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

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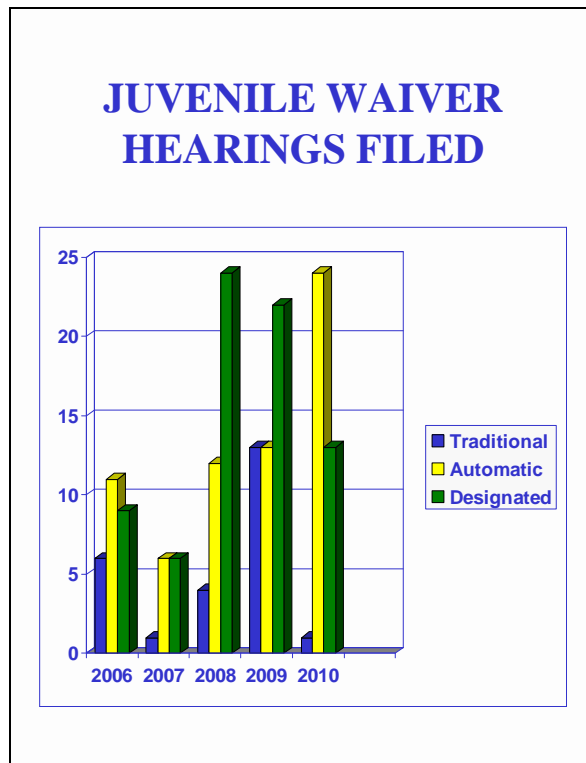
### JUVENILE COURT STATISTICS

	2006	2007	2008	2009	2010
<b>DELINQUENCY</b>					
<b>Delinquency Trials (Denial Hearings)</b>	52 NJT = 36 JT = 16	79 NJT = 61 JT = 18	48 NJT = 35 JT = 13	61 NJT = 33 JT = 28	44 NJT = 30 JT = 14
<b>Delinquency PTCs</b>	730	625	683	745	888
<b>Delinquency Pleas</b>	1,156	1,132	934	878	1,029
<b>Delinquency Jury Demands</b>	108	195	195	282	259
<b>Disposition Hearings</b>	273	398	335	357	324
<b>Review Hearings</b>	358	482	343	353	346
<b>Delinquency Petitions Authorized</b>	2,936	2,801	2,758	2,614	2,548
<b>NEGLECT</b>					
<b>Neglect Conferences</b>	381	244	190	302	256
<b>*Termination Confs Petitions Authorized</b>	215	208	99	126	101
<b>Contested Neglect Hearings</b>	522	580	519	581	655
<b>Contested Termination Hearings</b>	462	447	263	467	322
<b>Other Neglect Hearings</b>	62	50	21	52	59
<b>Motions and OTSC Hearings</b>	43	57	86	91	99
<b>Personal Protection Order Hearings</b>	90	91	75	108	99
<b>Incompetency Hearings</b>	688	715	689	691	705

\*Decline due to conferences being counted by family now instead of by child.

## KENT COUNTY PROSECUTOR'S OFFICE - 2010 ANNUAL REPORT

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	2006	2007	2008	2009	2010
<b>Traditional Waivers Filed</b>	6	1	4	13	1
<b>Traditional Waivers Granted</b>	4	1	0	1	0
<b>Automatic (Direct) Waivers Filed</b>	11	6	12	13	24

There are three types of waivers. The first two allow a juvenile to be placed in the adult system. An “automatic” waiver (sometimes called a direct waiver) automatically transfers jurisdiction of the juvenile to the adult system and is based on the severity of the crime committed. A “traditional” waiver (also referred to as a two-phase waiver) is based on the juvenile’s criminal history rather than simply the severity of the crime committed. It is utilized only if all rehabilitation/treatment avenues have been exhausted within the juvenile system. When the juvenile commits a new crime the Prosecutor’s Office petitions the Juvenile Court to waive the offender to the adult system for prosecution.

	2006	2007	2008	2009	2010
<b>Designated Waivers</b>	9	6	24	22	13

A **Designated** waiver allows a juvenile to be sentenced as an adult but remain in the Juvenile system.