



**2015**

# ANNUAL REPORT



**OFFICE OF THE PROSECUTING ATTORNEY**

**227 West Michigan Avenue**

**Kalamazoo, MI 49007**

**(269) 383-8900**

This page intentionally left blank.

# TABLE OF CONTENTS

---

	<u>PAGE(S)</u>
LETTER FROM THE PROSECUTOR	5
CHAPTER 1 – OVERVIEW	7 - 8
CHAPTER 2 – VISION, MISSION AND GUIDING PRINCIPLES	9
CHAPTER 3 – ORGANIZATIONAL CHART	10
CHAPTER 4 – ADMINISTRATIVE TEAM	11 - 12
CHAPTER 5 – DISTRICT COURT DIVISION	13 - 18
CHAPTER 6 – CIRCUIT COURT DIVISION	19 - 25
CHAPTER 7 – FAMILY COURT DIVISION	26 – 28
CHAPTER 8 – VICTIM/WITNESS UNIT & AWARDS	29 - 31
CHAPTER 9 – OUTREACH ACTIVITIES	32
CHAPTER 10 – STAFF ROSTER/YEARS OF SERVICE	33 - 34

This page intentionally left blank.

## LETTER FROM THE PROSECUTOR



To the Citizens of Kalamazoo County:

In 2015 The Office of the Prosecuting Attorney continued its record of exceptional service to the community. Our Adult trial division reviewed nearly 11,000 requests for criminal charges and prosecuted almost 8,000 cases (1,887 felonies and 5,966 misdemeanors). Our Family Court team authorized over 1,025 petitions and the Child Support Unit obtained 1,306 new orders for child support equaling over \$3,123,066 annually in support for Kalamazoo's kids.

In 2015 the Office of the Prosecuting Attorney continued its leadership role as a 21<sup>st</sup> century Prosecutor's Office. Partnering with our local police agencies and the United States Attorney's Office we have worked to identify those specific individuals whose violent criminal behavior makes our neighborhoods less safe and to prosecute those criminals to the greatest extent possible. We have worked with our local Courts to expand the reach and influence of our problem solving alternative courts to better address the underlying addictions and mental health issues of non-violent offenders. The Juvenile Mental Health Treatment and Recovery Court is new for 2015 and will offer a needed alternative from the traditional juvenile delinquency path to Kalamazoo youth who suffer from mental illness. By being "smart on crime" we are reducing recidivism, increasing safety, and saving taxpayer dollars.

Outside of the traditional court system the Office of the Prosecuting Attorney has continued its collaborative partnerships with other people and agencies. We have worked with our local representatives in State government to pass legislation that will make our citizens safer and more informed. We have worked with the YWCA to better serve victims of Domestic Violence. We have worked with Prevention Works on issues of Substance Abuse. These are just a few examples of the many ways that the Office of the Prosecuting Attorney operates outside the courtroom to promote a better Kalamazoo.

In summary, I respectfully present our 2015 Annual Report and welcome your input and suggestions. I remain proud to be your Prosecuting Attorney and am looking forward to continuing to serve this community for many years.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Getting". The signature is stylized and written in cursive.

Jeffrey S. Getting  
Kalamazoo County Prosecuting Attorney

This page intentionally left blank.

# CHAPTER 1

---

## OVERVIEW

The Kalamazoo County Prosecuting Attorney appears on behalf of the People of the State of Michigan in criminal prosecutions of adults in Circuit Court and District Court. The Office of the Prosecuting Attorney (OPA) handles juvenile delinquency, paternity, support, and child neglect cases in the Family Court Division of Circuit Court. The People elect the Prosecuting Attorney to a four-year term of office.

## MANDATED RESPONSIBILITIES

The OPA is responsible for other legal functions including:

- Victim notification on the status of their case and informing them of their rights to participate;
- Representing custodial parents in civil proceedings for the establishment of support and paternity, through referrals from the Department of Human Services (DHS);
- Providing information about juvenile offenders to public schools in Kalamazoo County; and
- Representing law enforcement in forfeiture actions against drug dealers.

The Prosecuting Attorney is the chief law enforcement officer for Kalamazoo County. The Office was created by the Michigan Constitution. The responsibilities and authority of the Prosecutor are established by common law, statute, court rule and appellate case law. In recent years, changing attitudes in the Courts and State legislature have significantly altered the traditional role of the Prosecutor. While adult criminal matters still represent the major portion of the prosecution effort, (almost 11,000 cases in 2015) a growing list of additional responsibilities has placed larger demands upon prosecution resources. The responsibilities and role of the Prosecutor are now defined in over 700 separate statutes and court rules in Michigan. Michigan appellate case law and federal case law have further expanded upon those statutes.

The following describes only the general functions of the Prosecuting Attorney's Office:

#### *CRIMINAL*

The Prosecutor's criminal jurisdiction encompasses all State statute felony and misdemeanor offenses committed within the boundaries of Kalamazoo County. Our office receives cases from 14 separate law enforcement agencies. The Prosecutor's responsibility for these criminal matters involves the determination and filing of charges and appearances in all subsequent court proceedings, including appeals. In addition, the Office prosecutes juvenile matters, both criminal and neglect. In total, adult and juvenile crimes are prosecuted in 17 individual courts throughout the County.

#### *SUPPORT*

Additional civil and criminal responsibilities are discharged by the Prosecutor in divorce and paternity matters. Under a reimbursement program with the State, the Prosecutor's Office establishes paternity and seeks out non-custodial parents of minor children to secure court orders for payment of child support and, thus, reduces the financial burden to taxpayers.

#### *OTHER*

Finally, as a matter of local policy, the Prosecutor's Office strives to be a catalyst for constructive change in the Criminal Justice System. Because of the Prosecutor's unique and pivotal position in the system, he is often able to initiate system wide improvements. This responsibility may be one of the most important functions in our local fight against crime.

## CHAPTER 2

---

### VISION, MISSION & GUIDING PRINCIPLES

#### OUR VISION IS:

- Justice
- Protection
- Integrity

#### OUR MISSION IS TO:

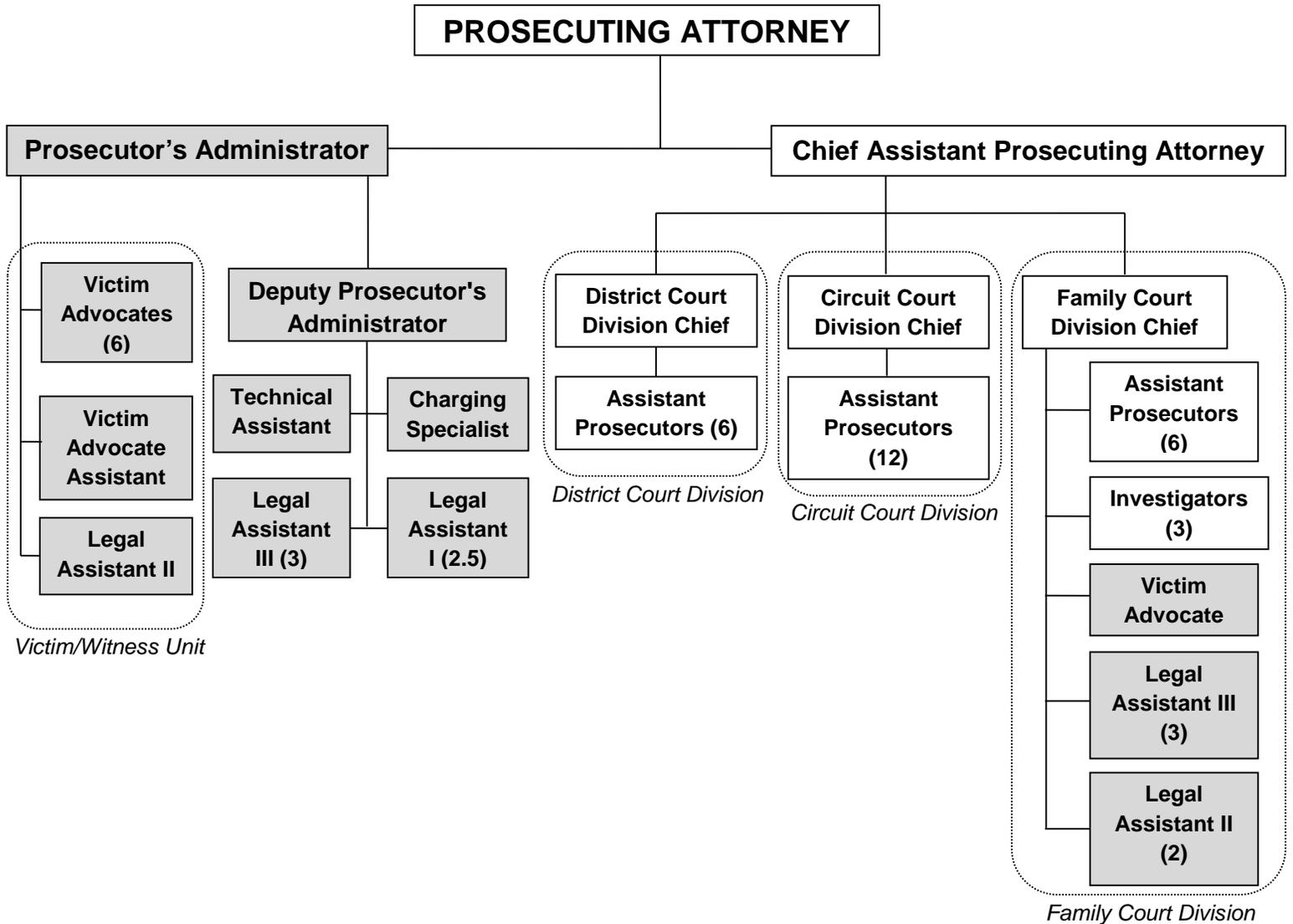
- Enhance the quality of life in our community.
- Be leaders in quality prosecution.
- Aggressively advocate our cause.
- Continuously improve our service.
- Achieve our goals through teamwork.
- We will treat each other fairly and give credit to each staff member for their distinctive contributions.

#### OUR GUIDING PRINCIPLES ARE:

- We will treat all people with dignity, respect, honesty and fairness.
- We will interact with all groups and organizations in a spirit of cooperation.
- We will provide all people with ethical, competent and professional service.
- We will hold all people responsible for their actions.
- We will insure that our office is a rewarding, challenging and enjoyable place to work.

# CHAPTER 3

## ORGANIZATIONAL CHART



*Non-Attorney positions*

## CHAPTER 4

### ADMINISTRATIVE TEAM

The Office of the Prosecuting Attorney consists of the Prosecuting Attorney, Chief Assistant Prosecuting Attorney, the Prosecutor's Administrator, and three Divisions of professional staff.



#### **Jeffrey S. Getting – Prosecuting Attorney**

*Jeff* has practiced law in Kalamazoo County for over 25 years. As an Assistant Prosecutor from 1990-1998, he successfully prosecuted thousands of cases, including several homicides, drug cases and sex crimes. Working primarily in Circuit Court, Jeff routinely handled the toughest, most high-profile and difficult to prosecute cases in Kalamazoo County. After being in private practice for 14 years, Jeff was elected Prosecuting Attorney in 2012. Jeff attended Western Michigan University, completing dual degrees in Criminal Justice and Sociology. Jeff earned his law degree from Indiana University School of Law - Bloomington in 1989. In the community, Jeff serves (or has served) on the Board of Directors for Guardian Advocacy and Finance Services, the Kalamazoo County Bar Association and the State Bar of Michigan's Attorney Discipline Board Hearing Panel. He is also a member of Kiwanis and coaches West Portage Little League.



#### **Carrie L. Klein – Chief Assistant**

*Carrie* has been an Assistant Prosecuting Attorney in Kalamazoo County since joining the office in 1985. She has worked in all areas of the Office, handling cases in District Court, Probate Court and in both the Trial Division and Family Division of the Circuit Court. Carrie became the Chief Assistant Prosecuting Attorney in January 2005. As the Chief Assistant, she is responsible for supervising all attorney staff. Carrie delegates, assigns and schedules attorney workload; evaluates attorney staff; resolves conflicts within the criminal justice system and with citizens; and makes decisions on the issuance, handling and disposition of criminal cases. Carrie holds a degree in Criminal Justice from Grand Valley State College. She received her law degree in 1984 from Wayne State University Law School and also graduated as a 1984 member of the Wayne State Law School Chapter of the Order of the Coif.



#### **Lisa A. Henthorn – Administrator**

*Lisa* has worked with Kalamazoo County since 1986 and joined the Kalamazoo County Prosecutor's Office in 2014. As the Administrator, she is responsible for supervising all non-attorney staff and provides direct supervision of the Victim/Witness Unit. In addition, she oversees the Office budget, coordinates grant applications and contracts, and manages the technological needs of the office. Also, she coordinates the preparation and maintenance of various office manuals, and directs the administration of legal document flow, including electronic document flow. In 2013, Lisa graduated from Davenport University, where she received a Master's Degree in Business Administration.



### **Alan Harbaugh – District Court Division Chief**

*Alan has practiced law in Kalamazoo County for over 19 years. In the 1990s, Alan served as an Assistant Prosecutor in the District Court Division, Family Division, and Appeals Division. He was also in a specialty unit concerning Domestic Violence. After being in private practice for 14 years, he returned to the Kalamazoo County Prosecutor's Office as District Court Division Chief. As the District Court Chief, some of his responsibilities include: supervising training, and evaluating Assistant Prosecuting Attorneys (APAs) in the District Court Division, reviewing and assigning motions filed by defendant(s), making decisions on the issuance, handling and disposition of criminal cases, and routinely handling preliminary examinations. Alan graduated from Michigan State University with a B.A. in psychology. He received his law degree in 1993 from Thomas M. Cooley Law School, and his L.L.M. from Pace University School of Law. While at Thomas M. Cooley, he was Editor-in-Chief of the Law Review, served on the Scholastic Review Board, and graduated Cum Laude.*



### **Greg Russell – Circuit Court Division Chief**

*Greg joined the Kalamazoo County Prosecutor's Office in 1986 as an Assistant Prosecuting Attorney. He has been assigned to the District Court Division, as well as the Trial and Family Divisions of the Circuit Court. Greg has been the Division Chief for both the District Court and Circuit Court Trial Division. He is currently the Division Chief for the Circuit Court Trial Division. In his position as the Trial Division Chief, Greg supervises and evaluates attorney staff, makes felony case assignments, serves as the OPA contact with the Adult Drug Court Treatment Programs and makes decisions on the issuance, handling and disposition of criminal cases. Greg graduated from Central Michigan University with a degree in Business Administration. He received his law degree in 1984 from Wayne State University Law School and was a member of the Order of the Barristers.*



### **Scott Brower – Family Court Division Chief**

*Scott has been an Assistant Prosecuting Attorney in Kalamazoo County since joining the office in 1993. He has worked in all areas of the Office, handling cases in District Court, Probate Court and in both the Trial Division and Family Division of the Circuit Court. Scott served for several years as the District Court Division Chief and is presently serving as the Family Court Division Chief. As the Division Chief, he is responsible for supervising the attorneys and support staff working in the Family Division. Scott delegates, assigns, and schedules attorney workload, which includes cases involving the abuse and neglect of minor children, termination of parental rights, juvenile delinquency, and child support. Scott holds a degree in Criminal Justice from Grand Valley State College. He received his law degree in 1992 from Thomas M. Cooley Law School.*

## CHAPTER 5

### DISTRICT COURT DIVISION

The District Court Division includes Assistant Prosecuting Attorneys, Victim Advocates, and Legal Assistants. This Division handles the initial stages of felony cases and all the trial and related court work of misdemeanor cases charged under State law.

In the District Court Division, Assistant Prosecutors are assigned to one of four courtrooms. They are responsible for handling all of the misdemeanor and traffic matters before that particular judge. This type of structure is called Vertical Prosecution. It enables the same attorney to remain with a case from the time it reaches District Court until its final disposition. In addition, crime victims are better able to establish a relationship with the attorney handling their case. Case preparation and presentation are improved because the attorney handling the case at a preliminary stage of the proceedings is the same attorney that will conduct the trial. In short, both services to the public and public safety are enhanced through this innovative use of Vertical Prosecution in District Court.

#### MISDEMEANORS

A misdemeanor case can start from a police ticket or from a Complaint authorized by the Prosecutor's Office. Police often use tickets for traffic offenses such as Drunk Driving and Driving While License Suspended. Prosecutors in the District Court Division also review police reports and make charging decisions on other crimes, such as Assault, Domestic Violence, Malicious Destruction of Property or Retail Fraud.

A large percentage of cases begin with a warrant request. This is generally the first time that the Assistant Prosecutor is involved in a case, unless he/she reviewed a search warrant or visited the crime scene. At this stage, the Assistant Prosecutor determines whether a person should be charged with a crime and, if so, what the crime should be. The



**Melissa Scott**  
(Charging Specialist)

Assistant Prosecutor must thoroughly review all police reports and records concerning the case, including witness statements.

After a Complaint is issued by the Prosecutor's Office, the paperwork is filed with the District Court. When the judge reviews the Complaint and signs a Warrant, the police make arrangements to have those charged appear in court for arraignment where they are told the charges against them and advised of their constitutional rights. The conditions and amount of bail are determined. If they plead guilty, the court will schedule the case for sentencing. If they plead not guilty, the case will be set for trial.



**Christin Mehrstens-Carlin & Marieh Tanha**  
(Assistant Prosecutors)

Many events can occur prior to trial. The Assistant Prosecutor and defense attorney will often meet at a Pretrial Conference to discuss possible legal issues or to determine whether the defendant will plead guilty to the crime charged or some other offense. The court may also hear motions to determine whether evidence can be used at trial or whether there is some legal reason why the defendant should not be tried.

The trial can be by judge or jury. During the trial, the judge or jury will determine whether the defendant has committed a crime, and if so, which crime has been committed. At trial, the prosecution must present evidence to prove the defendant's guilt beyond a reasonable doubt. The defendant is not required to prove his or her innocence or to present any evidence.

If the defendant is found guilty, the judge will set a date for sentencing. A pre-sentence investigation report may be prepared by the probation office. It contains information about the crime, defendant's background and a sentence recommendation. At sentencing, the judge will consider the information in the report. Determination of the sentence is the judge's sole responsibility. The judge may consider different alternatives, such as a fine, probation, community service, a sentence to



jail, or any combination of those consequences. The judge may also order the defendant to make restitution to any victims who have suffered physical or financial harm.

## FELONIES

Felony cases always begin with a warrant request. Once the Assistant Prosecutor reviews the police report and issues a Felony Complaint, the paperwork will be brought to one of the District Court Judges for his or her signature. The police will then bring the defendant to the court for arraignment.

At a felony arraignment in District Court, the defendant does not enter a plea. Instead, the defendant is advised of their right to a preliminary examination within 14 days of the arraignment. The court reviews requests for a court-appointed attorney at the arraignment.



**Samantha Smith** (Legal Assistant) and **Aubrey Koches** (Assistant Prosecutor)

A felony Preliminary Examination, sometimes called a probable cause hearing, is a contested hearing before a District Court Judge. The Assistant Prosecutor presents witnesses and the Judge determines whether there is probable cause to believe that a crime was committed and that the defendant committed the crime. Because the burden of proof is much less than at a trial, the Assistant Prosecutor does not call all potential witnesses to testify; generally, only the victim and some of the police witnesses testify. Through their attorney, the defendant can cross-examine the witnesses and present their own evidence, including witnesses.

If probable cause is proven, the defendant is bound over (i.e., sent) to Circuit Court for trial. If probable cause is not proven, the felony charge can be dismissed or reduced to a misdemeanor for trial in District Court. A defendant and Prosecutor can decide not to have a Preliminary Examination and waive the hearing.

In 2015, there were approximately 10,881 adult cases reviewed for possible felony or misdemeanor prosecution (2,935 felonies and 7,946 misdemeanors). A total of 7,840 cases were authorized (1,882 felonies and 5,958 misdemeanors).

## DRUNK DRIVING

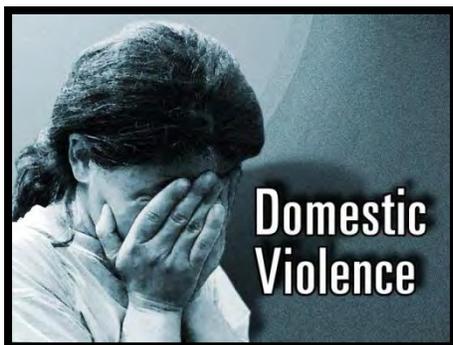
A specialized and very busy area of District Court practice lies in the prosecution of drunk driving cases. Michigan law prohibits the operation of a motor vehicle if you are under the influence of alcohol, have an unlawful blood alcohol content, are operating with the presence of a controlled substance in your system or have become visibly impaired by alcohol or a controlled substance. First and second offenses are misdemeanors and a third offense can be charged as a felony, punishable by up to five years in prison. Should the offense involve a traffic crash which results in injuries or death, the sentence can range up to 15 years in prison. All such convictions, whether misdemeanor or felony, carry an array of additional fines, costs and license sanctions. A total of 699 drunk driving cases were prosecuted in 2015 (115 felonies, 584 misdemeanors).



## DOMESTIC VIOLENCE

Another specialized and demanding area of District Court lies in the disposition of domestic violence cases. The Batterer Intervention Standards for the State of Michigan define “domestic violence” as follows:

“Domestic violence is a pattern of controlling behaviors, some of which are criminal, that includes but is not limited to physical assaults, sexual assaults, emotional abuse, isolation, economic coercion, threats, stalking and intimidation. These behaviors are used by the batterer in an effort to control the intimate partner. The behavior may be directed at others with the effect of controlling the intimate partner.” Batterer Intervention Standards for the State of Michigan, §4.1 (January 20, 1999).”



As local police aggressively investigate domestic violence cases, they present them to the Prosecutor’s Office for the initiation of criminal charges. These cases range in severity from assault and battery to first-degree murder. Offenders may be charged with their crime even when the victim refuses to cooperate, as long as witnesses or other evidence is available. The OPA’s goal is to bring the offender under the

jurisdiction of the court and hold them accountable for their behavior. This helps protect the victim and other family members and helps to change the course of future personal interactions. In 2015, 964 cases involving domestic violence were authorized (144 felonies and 820 misdemeanors).

## CRIMINAL SEXUAL ASSAULT ATTORNEY

The Criminal Sexual Assault (CSA) Attorney handles all cases involving the criminal sexual assault of children under the age of 13. In addition, this Assistant Prosecutor handles other sexual assault or child abuse cases that require special attention.



**Mike Stein**  
(Assistant Prosecutor)

Sexual abuse is one of the most traumatizing events that can occur to anyone. If the abuse is directed toward a child, the episode is especially devastating, to the child, the family and ultimately the community. Recognizing the exceptional needs of these special victims, this Office developed a specialist position to work with the child from the onset of his or her contact with the criminal justice system and to follow the case through the court process. The CSA attorney often makes psychological referrals for the child and the family, coordinates further police investigations, develops rapport with the child and guides the child and family through the entire prosecution. Practical experience has proven that this personal contact significantly reduces the trauma to the child, and when coupled with professional counseling, has been shown to have a positive therapeutic value.

In addition, the CSA attorney is involved in the implementation of the Kalamazoo Comprehensive Approach to the Management of Sex Offenders program (KCASOM). This program is focused on management of sex offenders in the community. A grant secured by the Kalamazoo County Sheriff's Department in 2006 provides funding for intensive supervision of sex offenders being reintegrated into the community following their release from jail or prison. Smaller caseloads for probation and parole agents permit closer scrutiny of offenders. A myriad of options are now employed for offender supervision, such as global positioning devices to monitor their movement within the community. A multi-disciplinary team meets monthly to review sex offender cases and gather input from treatment

providers, polygraphers, supervising agents and victim advocates. The goal of the program is to increase public safety and reduce victimization.

## INVESTIGATIVE SUBPOENAS AND COLD CASES

In 1995, the Legislature enacted legislation giving prosecutors investigative subpoena power. This law empowers prosecutors to essentially act as a "one person grand jury." During a police investigation, the Investigative Subpoena Prosecutor participates in the investigation by utilizing this law to subpoena witnesses to a crime and question them under oath about their knowledge of the particular crime under investigation. The attorney prepares court petitions authorizing the use of investigative subpoenas, prepares the subpoenas, questions the witnesses under oath, handles any legal issues in connection with these cases and then makes the final charging decision. If the witness ignores the subpoena, the witness could be found in contempt of court. If the witness lies under oath, the witness is subject to perjury charges with a maximum penalty of 15 years or Life, depending on the crime being investigated. Once a case is charged, the attorney remains on the case throughout the court process.



This law is a powerful tool for law enforcement. It enables police to solve cases that otherwise would not be due to hostile or uncooperative witnesses. Before this law, police had no way to compel these types of witnesses to tell them what they knew about particular crimes. Since the law's enactment, the investigative subpoena attorney has obtained several convictions on homicide cases, as well as on cases involving other serious crimes, which previously could not have even been charged.

In 2015, Investigative Subpoena investigations were authorized in three (3) separate cases involving Uttering and Publishing, Vulnerable Adult Abuse and Larceny \$1,000 or more.

## CHAPTER 6

### CIRCUIT COURT DIVISION

The Circuit Court Division handles the prosecution of felony cases. Felonies are crimes punishable by imprisonment in excess of one year, and can range in seriousness from retail fraud, bad checks, narcotics violations, criminal sexual conduct, home invasion, robbery, to murder.

A felony case originates with the charging function. It begins with a careful review of all investigative reports prepared by the police or investigative agency. Once a case is accepted for prosecution, it then passes through the District Court system before it is bound over to the Circuit Court of Kalamazoo County where ultimate disposition will take place.

#### VERTICAL PROSECUTION

Assistant Prosecutors assigned to the Circuit Court Division may be assigned to a particular Circuit Court Judge. When a case is set for trial, an Assistant Prosecutor is assigned to the case and will be responsible for handling all court events associated with that case. This system of “vertical prosecution” was begun in 1985. One of the many benefits of this type of prosecution is the same attorney works with the victim and witnesses throughout the Circuit Court process.



**Mike Reisterer, Jr.** (Assistant Prosecutor)  
and **Michelle Sutton** (Legal Assistant)

Each case requires large amounts of attorney and support staff time from beginning to end. In our baseline year of 1974, felony pleas to the original charge were only 13%. In 2015, 1,341 defendants plead guilty to the original felony charge placed against them in 81% of the cases. This performance measure is consistent with our overall objective of plea dispositions to the original felony charge of not less than 80% per year. This overall dispositional rate demonstrates an effective and

efficient use of the limited resources available to the criminal justice system. Furthermore, when criminal defendants are being held accountable for the charges brought against them at this high rate, it illustrates a staff of Assistant

Prosecutors that are well trained at making the decisions that impact the lives of victims and defendants.

In 2015, approximately 1,069 criminal cases were set for trial in Circuit Court. In order to make efficient use of the number of available trial weeks in each of the four Trial Division Courts and to accommodate an increasing felony caseload, it is necessary to schedule on average 8 trials in each Court for each week. Typically, although only one case can be tried in each Court per week, many of the other cases set for trial in any given week are resolved through settlement negotiations. Those that are not resolved through either trial or plea are rescheduled for trial. In 2015, 58 trials were held. In 67% of those trials, defendants either plead guilty at some point during the trial or were found guilty of the charge or a lesser charge.

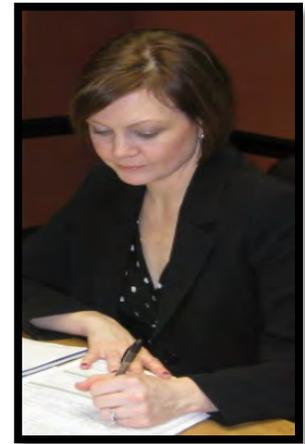
The year 2015 was remarkable for not only the number of cases that were tried, but most especially for their length and complexity. Five complex homicide trials, including the tragic death of a young child and the brutal murder of a woman in her own home, were held with Guilty Verdicts in four of them and a Guilty Verdict of a lesser charge in the remaining trial. In addition, the following trials were held:

- Armed Robbery (4)
- Criminal Sexual Conduct (7)
- Delivery of Controlled Substances, Operating/Maintaining Methamphetamine Labs and/or Possession of Controlled Substances (7)
- Resisting and Obstructing Police Officers (6)
- Larceny/Car Theft/Illegal Use of Financial Transaction Device (4)
- Accosting a Minor/Child Enticement (2)
- Felonious Assault (5)
- Assault with Intent to Murder (4)
- Assault with Intent to Commit Great Bodily Harm (2)
- OWI/OUID 3<sup>rd</sup> Offense (1)
- Home Invasion 1<sup>st</sup> or 2<sup>nd</sup> Degree (3)
- Breaking and Entering With Intent/Possession of Burglar Tools (2)
- Weapons Offenses (3)
- Malicious Destruction of Personal Property Over \$1,000 (1)

## ASSET FORFEITURES – KVET

The Kalamazoo Valley Enforcement Team (KVET) is a drug enforcement task force comprised of 11 police officers from the Kalamazoo Department of Public Safety (KDPS) under command of Capt. David Boysen of the Kalamazoo Department of Public Safety. KVET Officers are deputized by the Kalamazoo County Sheriff and have jurisdiction to enforce State laws throughout Kalamazoo County.

In 2015, KVET investigations resulted in criminal charges in 114 cases. A specialized Assistant Prosecuting Attorney, known as the KVET Attorney, handles many of these KVET criminal cases. The Prosecutor's Office and the Kalamazoo Valley Enforcement Team have continued an aggressive campaign of prosecuting and forfeiting the property of persons who traffic in illegal controlled substances. In order to take away the financial incentive to commit drug offenses, our State Legislature has given law enforcement agencies the ability to seize and forfeit money, vehicles, or other property involved in the possession, manufacture or trafficking of illegal controlled substances. When property is seized under this forfeiture statute, a notice is given to the owner of the property, alerting them that the police are seeking the forfeiture of the property. The owner of seized property has 20 days to file a claim to contest the forfeiture of the property. If the owner fails to file a claim with the seizing agency within the 20 days, that property becomes the property of the seizing agency by operation of law. Property forfeited to the police in this manner is called an "administrative forfeiture." If the owner does contest the seizure, the case is then forwarded to the Prosecutor's Office for court action.



**Kate Hemingway**  
(Assistant Prosecutor)

The KVET Attorney handles all asset forfeiture cases initiated countywide by KVET and KDPS, as well as handling select criminal cases in his capacity as an Assistant Prosecuting Attorney. When Officers from KVET or KDPS seize property and the forfeiture of the property is contested, the case is sent to the Prosecutor's Office for review by the KVET Attorney. If the seizure is determined to be legally appropriate, the case is settled out of court or a complaint is filed with the Circuit Court seeking the forfeiture of the seized property. The KVET attorney prepares the legal pleadings and the case proceeds to a non-jury trial. Pursuant to State law, property forfeited to the police under the drug forfeiture statute is either used by

the police, sold at a public sale or destroyed. Proceeds from the sale of forfeited property must be used to enhance law enforcement efforts. Before administratively forfeited property is used, sold or destroyed by the seizing agency, as provided by statute, the KVET Attorney reviews the facts of the case and determines what is to become of the forfeited property. This procedure is required by statute to insure that the police have complied with the forfeiture procedure and to preserve the integrity of evidence that may later be needed by the Prosecutor's Office in a related criminal case.



In 2015, forfeiture cases resolved by the KVET Attorney resulted in the forfeiture of \$50,880.98 to KVET. Since 2001, the KVET Attorney has resolved a total of 1,095 forfeiture cases, resulting in the forfeiture of \$1,932,372.60 in cash to KVET. Total revenue to KVET from asset forfeiture in 2015, including the sale of forfeited property, was \$213,277.73. In the last 10 years, revenue to KVET from asset forfeiture cases exceeded \$3,821,258.00. Statistics relating to the KVET Attorney's activities in 2015 are highlighted below:

#### **CIVIL FORFEITURE**

- Number of Forfeiture Cases Resolved by KVET Attorney: 64
- Amount of Money Forfeited to KVET: \$50,880.98

#### **CRIMINAL CASE DISPOSITION**

- Number of Convictions obtained by KVET Attorney: 112
  - Felony Charges: 112
  - Misdemeanor Charges: 9 from District Court

#### **DRUG ENFORCEMENT AUTHORITY - SWET**

The Southwest Enforcement Team (SWET) is a regional cooperative of State, County and Local Narcotics units. The team continues its aggressive campaign of investigating, prosecuting and forfeiting the property of persons who traffic in illegal controlled substances. As part of this effort, an Assistant Prosecutor is assigned to handle SWET drug prosecutions wherever they occur in this area. The attorney is on 24-hour on-call status. The attorney maintains a computer in his

home in order to review and prepare documents as needed 24 hours a day. The attorney also has an office at the Central/East Office of the Southwest Enforcement Team headquarters and is available on a daily basis for legal questions.

Due to the nature of the position, the Drug Enforcement Attorney can become involved in both criminal and civil cases during the investigative stage, providing legal information, attending arraignments to ensure high bonds and performing other legal functions not normally handled by Assistant Prosecutors.

Fiscal Year 2014-2015 was the twentieth year that the Department of Drug Control Policy, under the Anti-Drug Abuse Act, has funded the Drug Enforcement Attorney position, and the Michigan Department of State Police provides the match. There is no required match from the County of Kalamazoo.

In 2015, officers from SWET submitted 19 arrest warrant requests for review by the attorney assigned to SWET. These warrant requests resulted in the issuance of approximately 37 criminal charges against 16 individuals.

During this calendar year, 21 defendants were adjudicated and all were convicted. Of those convicted, 3 defendants were convicted of all the charges issued against them and 10 were convicted of the most serious charge issued against them. Eleven defendants pled guilty to reduced charges due to their cooperation with SWET and for other reasons.



Defendants sentenced in 2015 were ordered by the Court to pay:

- \$3,760 in court costs,
- \$1,116 in state costs,
- \$460 in attorney fees,
- \$1,635 in crime victim rights fees, and
- Four defendants were sentenced to substance abuse treatment.

The Southwest Enforcement Team received \$308,710.48 from cash seized and property sold in FY 2014-2015. This property was forfeited in one of two ways: administrative forfeiture or contested forfeiture. An administrative forfeiture

occurs where personal property worth less than \$50,000.00 is seized. In these cases, the claimant, or person the property is taken from, must file a written notice of his or her intent to contest the forfeiture and post a bond with SWET. If the claimant fails to file the written notice and post the bond within twenty days of being notified of the forfeiture, the property is forfeited to the agency automatically.

The second way an agency can forfeit property is through a contested forfeiture. Contested forfeitures are initiated when a summons and complaint are filed in Circuit Court. There are three kinds of contested cases: cases involving real property (land), cases involving personal property worth more than \$50,000.00, & cases where claimants file the required written notice & post the necessary bond.



**Cory Johnson**  
(Assistant Prosecutor)

During 2015, SWET requested the initiation of 23 contested forfeiture cases. The team resolved, or settled, 27 contested forfeiture cases in this time. Seven cases were settled by settlement agreement prior to the filing of a complaint or summons. Twenty cases were settled by consent judgment or default judgment after the complaint and summons had been filed. In 2015, SWET forfeited property valued at \$360,940.29 from the 27 resolved contested forfeiture cases. Several pieces of property forfeited in FY 2015 have not been sold.

## **RESEARCH/APPELLATE ATTORNEYS**

The Prosecuting Attorney has statutory obligations to represent the People of the State of Michigan in all statute criminal cases. Specialized attorneys handle the appellate function of the Prosecutor's Office. Their primary responsibilities involve appeals from criminal cases and parental rights termination cases and legal research assignments.

The Prosecutor's Office routinely responds to criminal defendants' first appeals of their convictions. However, when first appeals are not successful, the defendants may



**John Anderegg & Heather Bergmann**  
(Assistant Prosecutors)

file more motions and appeals. The Office responds to those filings too. In 2015, defendants convicted of murder, criminal sexual conduct, assault with intent to murder, drug crimes, larceny or home invasion in 2000, 2002, 2006, and 2007 asked the courts to review their trials, pleas or sentences and release them from prison. All requests for relief were denied.

Responding to such old cases is challenging because statutes, case law, and procedures change. The appellate attorneys research the changes and write responsive pleadings.

Statistics relating to the Appellate Division's activities in 2015 are highlighted below:

- Filed 77 briefs and 21 motions/answers on behalf of the Prosecutor.
  - Of these, 4 matters involved the Prosecutor's Office challenging a court's grant of relief to a defendant.
- Appeared in the Court of Appeals or Michigan Supreme Court for Oral Argument 3 times and made 42 Circuit Courts appearances.  
94% of criminal convictions and 100% of termination of parental rights cases were affirmed.
  - Three cases resulted in plea withdrawal due to a procedural defeat in the plea-taking process
  - Two of those defendants have already re-entered a plea and have been sentenced.
  - The other is awaiting trial.
  - In a fourth case, the appellate court remanded for the entry of a conviction to a lesser offense and the defendant was not re-sentenced.

## CHAPTER 7

### FAMILY COURT DIVISION

The Family Court Services Division is comprised of two different units; the Juvenile Unit and the Child Support Unit. Both units have a direct impact on the quality of life for Kalamazoo's children & their families, but the work they do is very different.

#### CHILD SUPPORT UNIT

The Child Support Unit is funded by the federal government, through the State of Michigan, to provide the necessary legal services to establish child support for children living with only one parent. When the custodial parent is receiving financial assistance from the State, they must cooperate with the legal processes necessary to establish a legally enforceable obligation to pay child support. Since studies have found that there is a direct correlation between growing up in poverty and neglect, delinquency and adult criminal acts, the child support unit is truly a front line crime prevention program.



**Dan Zomer** (Assistant Prosecutor) and **Manda Evans** (Legal Assistant)

In 2015, the Child Support Unit received 1,510 referrals from the Michigan Department of Health and Human Services (DHHS) for children and families who needed paternity or child support established. After screening the referrals for factual and legal viability, 1,091 legal proceedings were initiated under the Paternity Act, Family Support Act, and Uniform Interstate Family Support Act.

The court must consider a number of factors when establishing the amount of child support to be paid by the non-custodial parent. That information is researched and provided by the staff of the Child Support Unit. Although not all of the cases have been completed thus far, by the close of 2015, 1,306 orders for child support were obtained, equaling \$260,255.50 in monthly child support. If annualized, the orders equal \$3,123,066 in support.

The Friend of the Court Office has the primary responsibility for collecting and dispersing child support payments and enforcing child support orders. However, when the Friend of the Court exhausts all of the civil remedies that are reasonably

available, the case is referred back to the Prosecutor's Office for criminal investigation and prosecution.



Kalamazoo is very fortunate to have an investigator who spends his time aggressively seeking out the non-custodial parents who have failed to support their children and have hidden their financial assets. During 2015, 34 persons involving 63 child support cases were referred for criminal investigations for failure to pay child support. Of those referrals, 23 felony counts were authorized and moved into the court

system. Six referrals from prior years remain under investigation. In 2015, the Court entered criminal orders of restitution for unpaid child support equaling \$883,385.80.

## JUVENILE UNIT

The attorneys and support staff of the Juvenile Unit work collectively to represent the People of the State of Michigan in delinquency proceedings and the Michigan Department of Human Services in child protective proceedings. They see firsthand the connection between children living in poverty, delinquent behavior and child abuse. Many of the same families served by the Child Support Unit are also involved with the court through the Juvenile Unit.

After a crime is committed and investigated by the police, if the suspect is under 17 years of age, police send a charging request along with their investigative reports to the Juvenile Unit. In 2015, the Juvenile Unit reviewed 1,330 criminal investigations for legal and factual sufficiency. Of those, 1,025 petitions were authorized and sent to the Family Court Intake Department for further action.

Not all children need formal court intervention. Sometimes a conversation with the parents, the minor, and the victim, or community service or other informal sanction, is all that is needed to help the child make better choices in the future. However, in those situations where the minor requires more intensive intervention, the Intake Department returns the case to the Juvenile Unit for formal

prosecution. In 2015, Assistant Prosecutors in the Juvenile Unit conducted more than 101 delinquency trials.

In addition, some cases are referred because of neglect or abuse of minors by parents. The goal of a child protective proceeding is usually to reunite children with their parents after the problems that brought the family to court have been resolved; unless, there is serious physical or sexual abuse. An Assistant Prosecutor works with agencies to provide services to ensure that children are not abused or neglected by their parents. If the Court takes jurisdiction of the minor child, the Assistant Prosecutor attends court hearings to help ensure that parents are given plans to correct abusive or neglectful behaviors. If progress is not made, the Assistant Prosecutors, in the best interests of the child, may file termination petitions, and attend court hearings to terminate the parental rights of the parents who have abused or neglected their children.



**Marcella Cheatham** (Legal Assistant) &  
**Joseph Hawver** (Assistant Prosecutor)

Once a court has decided the children should be temporary wards, many services are made available to the families through the Department of Human Services. After the parents have complied with all offered services, the case is closed. If there is non-compliance, a last option to provide stable and permanent family life for some children is to terminate parental rights. In 2015, Assistant Prosecutors in the Juvenile Unit handled 494 new neglect/abuse cases and 265 trials seeking temporary court jurisdiction over the children. Assistant Prosecutors also conducted 270 Termination Hearings involving more than 568 children.

Because the Kalamazoo County Prosecutor provides legal assistance to the Michigan Department of Health & Human Services (DHHS) on abuse and neglect cases, a reimbursement is received from the State of Michigan. In 2015, the State reimbursed the County more than \$155,300 for time spent by the five Assistant Prosecutors working on abuse and neglect cases.

## CHAPTER 8

### VICTIM/WITNESS UNIT

Our office is committed to serving crime victims through the provision of the legally mandated rights and services provided for in the Michigan Crime Victims' Rights Law. Moreover, and more importantly, we are committed to offering services above and beyond the letter of the law, striving towards the spirit of the law. Victims' rights are the highest priority of our prosecution efforts.

In 2015, our office mailed over 18,000 letters to victims of crime. These letters included case updates, a summary of the criminal justice process, and important information about community resources available to victims. In addition, Victim Advocates had over 5,878 personal contacts with victims and escorted 739 victims to court. Victim Advocates are assigned to each Division.



**Vylissa Tyus & Lacey Clapper**  
(Victim Advocate & Legal Assistant)



**Norah Yokom, Vylissa Tyus & Kelly LaRochelle**  
(Victim Advocates)

#### VICTIM ADVOCACY – District Court

Since 1987, a Victim Advocate Specialist has been funded by a Victims of Crime Act (VOCA) grant. This Victim Advocate Specialist focuses primarily on supporting victims of domestic violence, including making referrals to community agencies, providing assistance with Personal Protection Orders, and assisting with completing Crime Victim Compensation paperwork.

**NOTE:** The Victims of Violence Project is supported by Crime Victim Assistance Grant awarded to the Kalamazoo County Office of the Prosecuting Attorney by the Michigan Crime Victim Services Commission, Michigan Department of Community Health. The grant award comes from the Federal Crime Victims Fund, established by the Victims of Crime Act of 1984. The County of Kalamazoo provides the required match by an in-kind match of one Victim Advocate on staff. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the view of the U.S. Department of Justice or the Michigan Department of Community Health.

In addition to the Victim Advocate Specialist, our office has two Victim Advocates assigned to the District Court. These Victim Advocates manage and expedite the processing of witnesses on statute criminal cases in five District Courtrooms throughout the county. In 2015, District Court Victim Advocates served victims of assaultive misdemeanor crimes that were associated with 1,723 new cases.

### **VICTIM ADVOCACY – Circuit Court**

Three Victim Advocates (VAs) are assigned to the Circuit Court Division to provide advocacy services to victims of felony crimes. One and a half of the Circuit Court VAs are funded by a Crime Victim Rights grant, which requires no County match. The Circuit Court Victim Advocates provide constitutionally mandated and critical services to victims of felony crimes (i.e., notices of court hearings, escort to court, referrals for counseling, etc). In 2015, Circuit Court Victim Advocates served victims of crime that were associated with approximately 1,615 new felony cases.



**BACK ROW: Stella Chivikas  
& Rhonda Baxter-Todd**  
**FRONT ROW: Lauren Brady**  
(Victim Advocates)

**NOTE:** The Crime Victim Rights Project is supported by Crime Victim Assistance Grant awarded to the Kalamazoo County Office of the Prosecuting Attorney by the Michigan Crime Victim Services Commission, Michigan Department of Community Health. The grant award funds 2.5 FTE Victim Advocates. The focus of the program is to: Implement the requirements of the William Van Regenmorter Crime Victim Rights Act, P.A. 87 of 1985. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the view of the U.S. Department of Justice or the Michigan Department of Community Health.

### **VICTIM ADVOCACY – Family Court**

A Victim Advocate is assigned to the Family Court Division to provide advocacy services to victims of crimes committed by juveniles. This Victim Advocate is funded by a Crime Victim Rights grant, which requires no County match.

Critical victim advocacy services include escorting the victim to court, referrals for counseling and assistance with completing Crime Victim Compensation paperwork. In 2015, the Family Court Victim Advocate served victims of crime that were associated with approximately 442 new juvenile cases.



**Diane Klauer**  
(Family Court Victim Advocate)

## AWARDS

Each year, OPA staff and other criminal justice agencies are given an opportunity to nominate an OPA staff member (Division Leaders and Management are excluded) for the "Robert L. Pangle Excellence in Public Service" Award. Robert Pangle was employed by the Prosecutor's Office for over 32 years, retiring as Chief Assistant in 2002. The RLP Award reads, in part, "This Excellence in Public Service Award is presented annually to a member of the Prosecutor's Office who has demonstrated service to the public in the highest traditions as established by Robert L. Pangle." After reviewing all of the submissions, Management selects the recipient.



**Steve McLaughlin**  
(Assistant Prosecuting Attorney)

Steve McLaughlin's commitment to public service is long standing as he has been an Assistant Prosecuting Attorney with Kalamazoo County for 16 years. Before joining Kalamazoo County, Steve served the people of the State of Michigan as an Assistant Prosecutor in Cass County.

2015 was especially challenging for Steve as he faced many tough and grueling trials, yet he never backed away, never wavered in his commitment, and never stopped giving his best efforts in his quest for justice for victims. This was notably evident in one particular case that Steve handled which involved the sexual assault of young victims. The children were very frightened to testify and the absence of corroborating evidence to help the jury created a difficult case. Through diligence, hard work and unending devotion, Steve presented a solid case and convinced the jury to convict. The defendant is spending 15-40 years in prison, while two young girls are safe once again.

Criminal justice colleagues have shared their respect for Steve's "pursuit of justice and exemplary character." Fellow Assistant Prosecuting Attorneys have appreciated his willingness to answer questions and offer guidance, which he readily gives even when he is in the midst of a trial. The dedication that Steve demonstrates in serving the Kalamazoo community is an example that all should strive to replicate and achieve.

Thank you, Steve, for all that you do every day, and congratulations on this well-deserved award.

## CHAPTER 9

---

### OUTREACH ACTIVITIES

Prosecutor's Office staff participate in a number of outreach activities, whose purpose is to improve healthy living and reduce violence through education.



Staff are board members of groups like the Child Abuse and Neglect Council (CAN), Attorney Disciplinary Board for the State of Michigan Bar Association, Michigan Family Support Council, Kalamazoo County Bar Association, VOICES against Sexual Violence, Children's Healing Center, Young Lawyers Section of the Kalamazoo County Bar Association, the Family Drug Treatment Court, and the Drug Court Policy Council. In addition, staff have taught (or served as guest lecturer) in classes for the Kalamazoo Law Enforcement Academy, Kalamazoo College, Western Michigan University, Department of Human Services, local preschool, elementary, middle and high schools. Also, staff volunteer for community organizations like

Cancer Walk, Greater Kalamazoo Girls on the Run, Women of Today, SibShops Training, Parent to Parent Support Groups, scouting programs, sports teams, Habitat for Humanity, etc. Lastly, many staff donate their time at various local faith based organizations.



## CHAPTER 10

---

### STAFF ROSTER – YEARS OF SERVICE IN THE OPA

Staff Member's Name	Title	Length of Service with OPA (years)
Hungerford, Diane	Assistant Prosecuting Attorney III	32
Klein, Carrie	Chief Assistant	31
Russell, Greg	Division Chief	29
Chivikas, Stella	Victim Advocate	27
Johnson, Chris Ann	Assistant Prosecuting Attorney III	23
Klauer, Diane	Victim Advocate	23
Zomer, Dan	Assistant Prosecuting Attorney II	23
Baxter-Todd, Rhonda	Victim Advocate	22
Brower, Scott	Division Chief	22
Hybel, Cathie	Technical Assistant	21
Scott, Melissa	Charging Specialist	20
Granzow, Jennifer	Assistant Prosecuting Attorney III	19
Barnard, Ken	Assistant Prosecuting Attorney III	18
Bergmann, Heather	Assistant Prosecuting Attorney III	18
Anderegg, John	Assistant Prosecuting Attorney III	18
Almeda, Ramie	Assistant Prosecuting Attorney II	17
Holsomback, Mark	Assistant Prosecuting Attorney III	16
McLaughlin, Steve	Assistant Prosecuting Attorney III	16
Kanaby, Mike	Assistant Prosecuting Attorney III	15
Cheatham, Marcy	Legal Assistant III	15
Sutton, Michelle	Legal Assistant III	12
Stapert, Shellie	Operations Coordinator	12
Brady, Lauren	Victim Advocate	10
Sanford, Alexis	Assistant Prosecuting Attorney III	10
Evans, Manda	Legal Assistant III	9
Hemingway, Kate	Assistant Prosecuting Attorney III	9
Stein, Michael	Assistant Prosecuting Attorney III	9

Staff Member's Name	Title	Length of Service with OPA (years)
Williams, Jeffrey	Assistant Prosecuting Attorney II	7
Koches, Aubrey	Assistant Prosecuting Attorney II	7
Harbaugh, Alan	Division Chief	6
LaRochelle, Kelly	Victim Advocate	6
Hatter, Greg	Investigator	6
Tyus, Vylissa	Victim Advocate	5
Reeves, Amanda	Legal Assistant II	4
Mejeur, Courtney	Legal Assistant I	3
Porn, Charlie	Investigator	3
Koches, Seth	Assistant Prosecuting Attorney I	3
Yokom, Norah	Legal Assistant III	3
Smith, Samantha	Legal Assistant III	3
Alofs, Ken	Investigator	3
Gorscak, Nicole	Victim Advocate	3
Johnson, Cory	Assistant Prosecuting Attorney II	3
Reisterer, Mike	Assistant Prosecuting Attorney III	3
Huber, Chelsea	Assistant Prosecuting Attorney I	3
Wahlfield, Kelly	Legal Assistant I	3
Yancho, Paul	Assistant Prosecuting Attorney I	2
Nelson, Arica	Victim Advocate Assistant	2
Hawver, Joseph	Assistant Prosecuting Attorney I	2
Anderson, Tamyra	Legal Assistant II	1
Lisa Henthorn	Prosecutor's Administrator	1
Lacey Clapper	Legal Assistant II	1
Brandie Whitford	Legal Assistant I	1
Mehrtens-Carlin, Christin	Assistant Prosecuting Attorney I	<1
D'Angelo, Rebecca	Assistant Prosecuting Attorney I	<1
Beattie, Genevieve	Legal Assistant I – MAC Receptionist	<1
Tanha, Marieh	Assistant Prosecuting Attorney I	<1

This page intentionally left blank.



227 West Michigan Avenue  
Kalamazoo, MI 49007  
Phone (269) 383-8900 • Fax (269) 383-0475