

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

In re DONNA ELAINE ANDERSON,
individually and on behalf of all others
similarly situated,

15 - 2380 - AS
Circuit Court Case No. 15-_____ -AS

Hon. JAMES M. MACERONI

Arising from 38th District Court
Case Nos. 14EA04628A-OM
14EA04628B-OM
District Judge Carl F. Gerds III

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**BRIEF IN SUPPORT OF
COMPLAINT FOR SUPERINTENDING CONTROL**

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JURISDICTION

This Court has jurisdiction to exercise superintending control over the 38th District Court pursuant to Const 1963, art 6, § 13, MCL 600.615, and MCR 3.302.

QUESTION PRESENTED

Should this Court assume superintending control over the 38th District Court and order Judge Carl F. Gerds III to perform his clear legal duty to refrain from imposing “pay or stay” sentences on indigent defendants who cannot afford to pay?

Plaintiff says: Yes.

INTRODUCTION

In this action for superintending control pursuant to MCL 600.615 and MCR 3.302, plaintiff Donna Elaine Anderson requests that this Court order 38th District Court Judge Carl F. Gerds III to perform his clear legal duty to refrain from imposing “pay or stay” sentences on indigent defendants who cannot afford to pay. Although imposing “pay or stay” sentences on defendants who cannot afford to pay is clearly unconstitutional under binding United States Supreme Court and Michigan case law, Judge Gerds maintains a general practice of imposing such sentences without an ability-to-pay determination. As a direct result of this unconstitutional practice, indigent defendants in the 38th District Court are incarcerated because they are poor, while defendants with means do not serve jail time for comparable offenses.

The plaintiff in this case, Donna Elaine Anderson, pleaded guilty in the 38th District Court for failing to license her dogs and failing to appear in court on the dog license tickets. Ms. Anderson is indigent and is unable to pay the \$455 in fines, fees and costs she has been assessed. Under Judge Gerds’s general practice of sentencing indigent defendants to “pay or stay” sentences, Ms. Anderson faces imminent incarceration due to poverty when she is sentenced. She therefore brings this action, on behalf of herself and all others similarly situated, seeking relief from Judge Gerds’s practice of sentencing indigents to incarceration under clearly unconstitutional “pay or stay” sentences.

FACTS

The case concerns the routine sentencing practice of the 38th District Court in Eastpointe. A single judge, the Hon. Carl F. Gerds III, serves in the 38th District Court.

As set forth in detail in the Complaint for Superintending Control and its exhibits, Judge Gerds has a practice of imposing “pay or stay” sentences on defendants regardless of their ability to pay.¹ Such sentences require the defendant to pay a specified amount of money or, if the amount is not paid, to serve a specified amount of time in jail. A “pay or stay” sentencing practice, when carried out without regard to defendants’ ability to pay, creates a two-tier system of justice: persons of means pay money and remain free, whereas poor people who are unable to pay go to jail.

Plaintiff’s complaint and its attached exhibits document the general practice of “pay or stay” sentencing in the 38th District Court and the impact of this practice on indigent defendants who cannot afford to pay.² The record also demonstrates that previous attempts to end this practice through direct appeals of individual sentences have been unsuccessful.³ In fact, even after this Court issued a written opinion and order explaining that Judge Gerds’s “pay or stay” sentencing practice was unconstitutional,⁴ Judge Gerds persisted in the practice and continues to impose such sentences without regard to defendants’ financial ability to pay.⁵ Further, it is Judge

¹ See Complaint ¶¶ 14-77 and exhibits.

² See Complaint ¶¶ 14-77 and exhibits.

³ See Complaint ¶¶ 52-53, 71-77 and exhibits.

⁴ *People of the City of Eastpointe v Rockett*, unpublished opinion of the Macomb Circuit Court, issued March 18, 2015 (Docket No. 15-444-AR), Complaint Exhibit A.

⁵ See Complaint ¶¶ 52-53, 71-77 and exhibits.

Gerds's practice not to allow payment plans or partial payments; a defendant who does not pay *in full* when the sentence is imposed is sent *directly* to jail.⁶

People of the City of Eastpointe v Ryan Edward Rockett

The recent case of *People of the City of Eastpointe v Ryan Edward Rockett* exemplifies the District Court's sentencing practice.⁷ In that case, Mr. Rockett was found guilty of operating a vehicle without insurance and driving while his license was suspended. On January 30, 2015, Judge Gerds sentenced Mr. Rockett to pay fees and costs in the amount of \$1500 or, if he did not pay, serve 93 days in jail.⁸ Judge Gerds made no inquiry into Mr. Rockett's financial ability to pay. At the sentencing hearing, Judge Gerds merely stated, "Hopefully you can pay that and be on your way." Mr. Rockett asked, "Is it pay or stay?" and Judge Gerds confirmed, "Yes, sir." The register of actions for Mr. Rockett's case confirms that Mr. Rockett's sentence was "MONEY OR JAIL,"⁹ and the judgments of sentence in Mr. Rockett's case state that he was committed to jail with release authorized "upon payment of fine/costs."¹⁰ Because Mr. Rockett is indigent and could not afford to immediately pay \$1500, he was immediately sent to jail.

After he was sent to jail, Mr. Rockett retained undersigned pro bono counsel from the ACLU of Michigan and filed an emergency motion for bond pending appeal on the grounds that his pay-or-stay sentence was unconstitutional because he was indigent. Judge Gerds denied the

⁶ See Complaint ¶¶ 19, 55, 66, 68, 94 and exhibits. Complaint Exhibit B is a photograph of a sign posted in the lobby of the 38th District Court, stating "FINES & COSTS DUE UPON SENTENCING" and "NO PAYMENT PLANS."

⁷ 38th District Court case numbers 14EA05894B-OI and 14EA05894C-OT.

⁸ Rockett Sentencing Transcript, January 30, 2015, Complaint Exhibit C.

⁹ Rockett Registers of Actions, Complaint Exhibit D.

¹⁰ Rockett Judgments of Sentence, Complaint Exhibit E.

request for bond pending appeal, and Mr. Rockett was forced to renew his bond motion in this Court. The case was assigned to the Hon. Mary A. Chrzanowski (docket no. 15-444-AR), who granted bond and granted Mr. Rockett's application for leave to appeal. By the time Mr. Rockett was released, he had served 14 days in the Macomb County Jail.

On March 18, 2015, Judge Chrzanowski issued an opinion and order in Mr. Rockett's appeal holding that Judge Gerds's "pay or stay" sentencing practice was unconstitutional.¹¹ In the opinion and order, this Court reviewed the binding case law from the U.S. Supreme Court, the Michigan Supreme Court, and the Michigan Court of Appeals. The court then explained:

In the context of "pay or stay" or "fine or time" sentencing practices, a sentencing court demands that a defendant serve a certain jail sentence, unless he or she is able to immediately pay various fines, fees, and costs. In actuality, a "pay or stay" sentence imposes imprisonment for the failure to pay certain fines, costs, and fees. Pursuant to [*People v Jackson*, 483 Mich 271; 769 NW2d 630 (2009)], this constitutes the imposition of a fee with the simultaneous enforcement that fee, i.e. if the indigent defendant is unable to immediately pay the fines, costs, and fees, they are mandated to serve jail time. Thus, a court must conduct an ability-to-pay analysis, *before* enforcing the fee – sentencing defendant to jail time.

Through the imposition of a "pay or stay" or "fine or time" sentence, a court embraces a sentencing practice that provides that a person of means can simply pay the amount demanded and avoid jail time, while the poor, who cannot pay that amount immediately, are subjected to incarceration. This practice is unconstitutional pursuant to [*Bearden v Georgia*, 461 US 660; 103 S Ct 2064; 76 L Ed 2d 221 (1983)] and [*People v Collins*, 239 Mich App 125; 607 NW2d 760 (1999)] under the Equal Protection Clauses of both the federal and state constitutions.¹²

This Court therefore vacated Mr. Rockett's sentence and remanded for resentencing. But

¹¹ *People of the City of Eastpointe v Rockett*, unpublished opinion of the Macomb Circuit Court, issued March 18, 2015 (Docket No. 15-444-AR), Complaint Exhibit A.

¹² Complaint Exhibit A, p.4.

at the resentencing hearing, despite the clear guidance from this Court, Judge Gerds again failed to conduct any inquiry into Mr. Rockett's ability to pay.¹³ Instead, Judge Gerds resentenced Mr. Rockett to 93 days in jail, this time *without* authorization for release upon payment of fines and costs, stating: "You can appeal this sentence too, if you'd like. . . . That's how I rule in my court. If you don't like that you can appeal it to Judge Chrzanowski again."¹⁴ Mr. Rockett again sought bond pending appeal, and Judge Gerds again denied the request. This Court subsequently granted an emergency motion for bond pending appeal, and the merits of Mr. Rockett's second appeal are pending before Judge Chrzanowski under docket number 15-1474-AR. By the time Mr. Rockett was released, he had served an additional four days in jail.

People of the City of Eastpointe v Stephane Earl-Rico Milton

Another example of Judge Gerds's unconstitutional "pay or stay" sentencing practice is the case *People of the City of Eastpointe v Stephane Earl-Rico Milton*.¹⁵ In that case, Mr. Milton was found guilty of contempt for failing to appear on a ticket for "pedestrian fail to use cross walk," otherwise known as jaywalking. On June 19, 2015, Judge Gerds sentenced Mr. Milton to pay fees and costs in the amount of \$334 or, if he did not pay, serve 30 days in jail.¹⁶ At the time of the sentencing in Mr. Milton's case, this Court had already issued its opinion and order in Mr. Rockett's case explaining the unconstitutionality of Judge Gerds's "pay or stay" sentencing practice and holding that "a court must conduct an ability-to-pay analysis" before sentencing a defendant to jail time on a pay-or-stay sentence. At Mr. Milton's sentencing hearing, however,

¹³ Rockett Resentencing Transcript, May 1, 2015, Complaint Exhibit F.

¹⁴ Rockett Resentencing Transcript, May 1, 2015, Complaint Exhibit F.

¹⁵ 38th District Court case number 14EA06438-ON.

¹⁶ Milton Sentencing Transcript, June 19, 2015, Complaint Exhibit G.

Judge Gerds made absolutely no inquiry into Mr. Milton's financial ability to pay. Judge Gerds simply explained: "Pay the \$334[,] off you go. If you'd rather do the 30 days, sir, then you don't owe anything at all." When Mr. Milton asked if he could make a partial payment, Judge Gerds denied the request. As in Mr. Rockett's case, the register of actions in Mr. Milton's case confirms that Mr. Milton's sentence is "MONEY OR JAIL,"¹⁷ and the judgment of sentence in Mr. Milton's case likewise states that he was committed to jail with release authorized "upon payment of fine/costs."¹⁸ Because Mr. Milton is indigent and could not afford to immediately pay \$334, he was immediately sent to jail.

After he was sent to jail, Mr. Milton retained undersigned counsel from the ACLU. He was subsequently granted bond pending appeal, and his application for leave to appeal is pending before this Court under docket number 15-2185-AR. By the time Mr. Milton was granted bond pending appeal, he had served five days in jail on this "pay or stay" sentence arising from his jaywalking citation.

Additional Examples of "Pay or Stay" Sentencing in the 38th District Court

In addition to the cases described above, courtwatchers from the ACLU have observed Judge Gerds routinely sentence defendants to "pay or stay" without determining whether they have the ability to pay.¹⁹ These sentences order the defendants' immediate commitment to the Macomb County Jail unless they pay the full amount of fines, costs and fees owed to the court on the day they are sentenced. Examples include:

¹⁷ Milton Register of Actions, Complaint Exhibit H.

¹⁸ Milton Judgment of Sentence, Complaint Exhibit I.

¹⁹ Berschback Affidavit, Complaint Exhibit J.

- Dar-Shawn Roman Brown, sentenced to “MONEY OR JAIL” on January 9, 2015.
- Harvey Williams, sentenced to “MONEY OR JAIL” on January 9, 2015.
- Noel Thomas Callaway, sentenced to “MONEY OR JAIL” on February 20, 2015.
- Tory Chico Jones, sentenced to “MONEY OR JAIL” on February 20, 2015.
- Terrance Dion Fuqua, sentenced to “MONEY OR JAIL” on May 29, 2015.
- Lieatrice Nicole Grayson, sentenced to “MONEY OR JAIL” on May 29, 2015.
- Justice Shannon Wade, sentenced to “MONEY OR JAIL” on May 29, 2015.
- Alicia Shawnta Brown, sentenced to “MONEY OR JAIL” on May 29, 2015.
- Vanesia Lanette-Danielle Evans, sentenced to “MONEY OR JAIL” on May 29, 2015.
- Delon Martez Adams, sentenced to “MONEY OR JAIL” on May 29, 2015.
- Chontae Michelle Knight, sentenced to “MONEY OR JAIL” on June 29, 2015.²⁰

In each of the above cases, Judge Gerds did not make any inquiry into these defendants’ financial ability to pay prior to imposing the sentences.²¹

People of the City of Eastpointe v Donna Elaine Anderson

Donna Elaine Anderson, the plaintiff in this action, is the defendant in *People of the City of Eastpointe v Donna Elaine Anderson*.²² Ms. Anderson’s case in the District Court is currently pending, and she is due to be sentenced by Judge Gerds after pleading guilty to not having a dog license and contempt for failure to appear on that citation. As a result of the dog license violation

²⁰ Registers of Actions, Complaint Exhibits M-W.

²¹ Berschback Affidavit, Complaint Exhibit J; Sullivan Affidavit, Complaint Exhibit L; Doukoure Affidavit, Complaint Exhibit K.

²² 38th District Court case numbers 14EA04628A-OM and 14EA04628B-OM.

and associated penalties and late fees, Ms. Anderson now owes \$455 in fines, fees and costs.²³

Ms. Anderson is indigent.²⁴ A single mother with two young children dependent solely on her for their care and wellbeing, Ms. Anderson is the recipient of means-tested government assistance including Section 8 housing assistance, utility assistance, food assistance, and Medicaid. She has been unable to obtain steady full-time employment because she must take care of her children and cannot afford child care.

Ms. Anderson was advised by her court-appointed attorney that Judge Gerds, per his usual practice, will sentence her to either pay the \$455 she owes to the court or, if she cannot pay that amount in full on the date of sentencing, to go to jail.²⁵ Ms. Anderson's attorney has explained to her that Judge Gerds has a strict policy of not allowing payments plans,²⁶ that she would not be allowed to do community service in lieu of paying, and that she would go directly to jail if she was unable to immediately pay \$455 in full at the time of her sentencing. Due to her indigency, Ms. Anderson has not been able to save or obtain \$455. Her court-appointed attorney has adjourned her sentencing twice so that she would not go to jail. At the last hearing, Judge Gerds warned Ms. Anderson that this would be her last chance and there would be no further adjournments of her sentencing hearing.²⁷ Based on Judge Gerds's established practice, Ms. Anderson knows that if she appears at her sentencing hearing without \$455, she will be sentenced to jail and immediately taken into custody without consideration of her financial

²³ Anderson Registers of Actions, Complaint Exhibit X.

²⁴ Anderson Affidavit, Complaint Exhibit Y.

²⁵ Anderson Affidavit, Complaint Exhibit Y.

²⁶ See Photograph, Complaint Exhibit B.

²⁷ Anderson Transcript, Complaint Exhibit Z.

inability to pay.²⁸ In sum, like Mr. Rockett and Mr. Milton before her, Ms. Anderson faces incarceration because she is poor.

Ms. Anderson has admitted responsibility for her offense, has now obtained the dog licenses required by city ordinance, and is fully prepared to be punished. However, she does not believe that she should be sent to jail based on her inability to pay when a similarly situated defendant with the ability to pay would not be jailed.²⁹

²⁸ Anderson Affidavit, Complaint Exhibit Y.

²⁹ *Id.*

LEGAL STANDARD

A complaint for superintending control “is the proper vehicle to challenge the general practices of an inferior court.” *Lockhart v Thirty-Sixth Dist Court Judge*, 204 Mich App 684, 688; 516 NW2d 76 (1994). This Court “has a general superintending control over all inferior courts and tribunals” within its jurisdiction, including the 38th District Court in Eastpointe. MCL 600.615; Const 1963, art 6, § 13. “A superintending control order enforces the superintending control power of a court over lower courts or tribunals.” MCL 3.302(A). The procedure for obtaining an order of superintending control in circuit court is governed by MCR 3.302(E).

There are two requirements for superintending control. “The standard for issuing a writ of superintending control is to determine whether the lower court failed to perform a clear legal duty.” *Frederick v Presque Isle Co Circuit Judge*, 439 Mich 1, 15; 476 NW2d 142 (1991). Additionally, the plaintiff must establish “the absence of an adequate legal remedy.” *Recorder’s Court Bar Ass’n v Wayne Circuit Court*, 443 Mich 110, 134; 503 NW2d 885 (1993). As explained below, both requirements are satisfied in this case.

ARGUMENT

I. **By sentencing defendants to “pay or stay” without assessing their ability to pay, Judge Gerds is violating a clear legal duty.**

The first question in deciding an action for superintending control is whether the lower court failed to perform a clear legal duty. *Frederick, supra*, 439 Mich at 15. There is no question that sentencing poor people to jail because they cannot afford to pay fines, fees or costs constitutes a failure to perform a clear legal duty.

“It is well established that a sentence that exposes an offender to incarceration unless he pays restitution or some other fine violates the Equal Protection Clauses of the federal and state constitutions because it results in unequal punishments for offenders who have and do not have sufficient money.” *People v Collins*, 239 Mich App 125, 135-36; 607 NW2d 760 (1999). This was confirmed recently by the State Court Administrative Office’s Ability to Pay Workgroup: “Michigan law is . . . clear that a judge may not incarcerate someone who lacks the ability to pay court-ordered financial obligations.” SCAO Ability to Pay Workgroup, *Tools and Guidance for Determining and Addressing an Obligor’s Ability to Pay* (April 20, 2015), p. 1.³⁰

The constitutional prohibition against “pay or stay” sentencing stems from the United States Supreme Court’s decisions in *Williams v Illinois*, 399 US 235; 90 S Ct 2018; 26 L Ed 2d 586 (1970), *Tate v Short*, 401 US 395; 91 S Ct 668; 28 L Ed 2d 130 (1971), and *Bearden v Georgia*, 461 US 660; 103 S Ct 2064; 76 L Ed 2d 221 (1983). The rule emanating from those decisions is that the state “cannot impose a fine as a sentence and then automatically convert it into a jail term solely because the defendant is indigent and cannot forthwith pay the fine in full.” *Bearden*, 461 US at 667 (internal quotation marks omitted).

³⁰ Available at <http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Reports/AbilityToPay.pdf>.

Based on these decisions, the Michigan Court of Appeals has clearly held that it is likewise unconstitutional to sentence an indigent defendant to jail with release or suspension of the sentence permitted only upon payment of a fine. *Collins, supra*, 239 Mich App at 136. And the Michigan Supreme Court recognized in *People v Jackson*, 483 Mich 271, 287; 769 NW2d 630 (2009), that “a truly indigent defendant [should] never be required to pay” a court-ordered financial obligation upon penalty of incarceration. To ensure this, if a payment obligation is imposed as part of a sentence, the trial court may not “enforce” the obligation, i.e., send the defendant to jail, without conducting a comprehensive ability-to-pay assessment. *Id.* at 287-90.

Relying on the above-cited clearly established case law, this Court has already reviewed Judge Gerds’s “pay or stay” sentencing practice and has declared it unconstitutional.³¹ In *People of the City of Eastpointe v Ryan Edward Rockett* (Docket No. 15-444-AR) (Chrzanowski, J.), this Court issued a written opinion and order reviewing the binding case law on this topic from the U.S. Supreme Court, the Michigan Supreme Court, and the Michigan Court of Appeals.³² The Court then explained:

In the context of “pay or stay” or “fine or time” sentencing practices, a sentencing court demands that a defendant serve a certain jail sentence, unless he or she is able to immediately pay various fines, fees, and costs. In actuality, a “pay or stay” sentence imposes imprisonment for the failure to pay certain fines, costs, and fees. Pursuant to *Jackson*, this constitutes the imposition of a fee with the simultaneous enforcement that fee, i.e. if the indigent defendant is unable to immediately pay the fines, costs, and fees, they are mandated to serve jail time. Thus, a court must conduct an ability-to-pay analysis, *before* enforcing the fee – sentencing defendant to jail time.

³¹ See Complaint ¶¶ 39-40.

³² *People of the City of Eastpointe v Rockett*, unpublished opinion of the Macomb Circuit Court, issued March 18, 2015 (Docket No. 15-444-AR), Complaint Exhibit A.

Through the imposition of a “pay or stay” or “fine or time” sentence, a court embraces a sentencing practice that provides that a person of means can simply pay the amount demanded and avoid jail time, while the poor, who cannot pay that amount immediately, are subjected to incarceration. **This practice is unconstitutional pursuant to *Bearden and Collins* under the Equal Protection Clauses of both the federal and state constitutions.**³³

Accordingly, a district judge has a clear legal duty under the equal protection guarantees of both the federal and state constitutions to conduct an ability-to-pay analysis before imposing a “pay or stay” sentence, and to refrain from imposing such a sentence on someone who cannot afford to pay. In this case, as detailed in plaintiff’s complaint and its attached exhibits, Judge Gerds has a “pay or stay” sentencing practice that violates this requirement and subjects indigent defendants to incarceration because of their inability to pay. This practice has continued despite clear case law holding it unconstitutional, and even after the opinion and order of this Court in *People v Rockett, supra*, which should have served to educate Judge Gerds, if he was previously unaware of the law in this area. Therefore, Judge Gerds has failed to perform a clear legal duty, making this case appropriate for superintending control.

II. Direct appeals are not an adequate legal remedy for challenging a generalized “pay or stay” sentencing practice.

The second requirement for superintending control is the absence of “another adequate remedy.” MCR 3.302(B). Although at first glance the court rules might appear to suggest that superintending control is improper when an appeal is available, the case law is very clear that superintending control is foreclosed only when an appeal would be an *adequate* remedy. It has long been recognized that “superintending control is the proper vehicle to challenge the *general practices* of an inferior court.” *Lockhart v Thirty-Sixth Dist Court Judge*, 204 Mich App 684,

³³ *Id.*, p. 4 (emphasis added).

688; 516 NW2d 76 (1994) (emphasis added). For this reason, courts have explained that even when an appeal might be available in an individual case, such an appeal is not adequate when the remedy sought is a change in the general policy or practice of the lower tribunal. See *In re Hague*, 412 Mich 532, 546; 315 NW2d 524 (1982) (“It is clear . . . that availability of an appeal in the individual case does not preclude superintending relief when that procedure does not provide an adequate remedy.”); *Smith v Common Pleas Court of Detroit*, 106 Mich App 621, 623; 308 NW2d 586 (1981) (“[A]n action for superintending control is appropriate where a litigant seeks to review the general policies and practices of an inferior court even though the individual litigant may have a right of appeal.”).

The Michigan Supreme Court’s decision in *Cahill v Thomassen*, 393 Mich 137; 224 NW2d 24 (1974), is dispositive. The plaintiff in that case was attempting to challenge a traffic ticket in the district court and was told that he would not be allowed to post a 10% cash deposit bond and would not be permitted a jury trial. He then filed a complaint for superintending control, alleging that the district court had a *general policy* of refusing 10% deposit bonds and jury trials in traffic cases, which he claimed violated Michigan law. The Michigan Supreme Court held that superintending control was appropriate because an appeal in his individual traffic case would not have been an adequate remedy:

Cahill was challenging the *general practices* of the 15th District Court regarding the posting of bond and the availability of jury trials. . . . While appeal did provide a suitable procedure to resolve Cahill’s individual case, . . . [u]nder the present facts only superintending control allowed the circuit court to address and resolve the objections concerning the *generalized practices* of the district court and, if [Cahill] had prevailed, to issue an appropriate remedial order. [*Id.* at 142-43 (emphasis added).]

This case is essentially the same. The record reflects that Judge Gerds has a *general practice* of imposing “pay or stay” sentences without regard to defendants’ ability to pay. The

remedy sought in this action is an order that would prohibit the District Court from jailing *any* defendant pursuant to a “pay or stay” sentence or similar order without first determining that the defendant has the financial ability to pay.³⁴ Only superintending control would allow such an order; an individual appeal would be inadequate.

Additionally, the record demonstrates that previous attempts to end Judge Gerds’s “pay or stay” sentencing practice through appeals of individual sentences have been unsuccessful.³⁵ Even after this Court ordered relief in an individual appeal, Judge Gerds continued to violate his clear legal duty not to impose “pay or stay” sentences without regard to defendants’ inability to pay. The Supreme Court has held that superintending control is appropriate when individualized appeals had “proven ineffective,” *Recorder’s Court Bar Ass’n v Wayne Circuit Court*, 443 Mich 110, 133; 503 NW2d 885 (1993), thereby demonstrating that a case-by-case appeal approach would not be adequate because “the underlying problem [will] remain unchanged,” *id.* at 135. Here, as demonstrated by the cases of Ryan Rocket and Stephane Milton, even if Ms. Anderson were to file an appeal, “the underlying problem” in the 38th District Court “would remain unchanged.” Superintending control is necessary because it is the only adequate remedy.

Further, bringing case-by-case appeals to challenge Judge Gerds’s general sentencing practice is “too time-consuming and burdensome to be called adequate.” *Lockhart v Thirty-Sixth Dist Court Judge*, 204 Mich App 684, 691; 516 NW2d 76 (1994). And when Judge Gerds imposes an unconstitutional pay-or-stay sentence, even bringing an immediate appeal does not keep the defendant out of jail;³⁶ additional appeals will thus be inadequate at preventing unlawful

³⁴ Complaint, Prayer for Relief, pp. 18-19.

³⁵ See Complaint ¶¶ 52-53, 71-77.

³⁶ See Complaint ¶¶ 34-38, 45-48, 62-65.

deprivations of liberty as compared to a direct order of superintending control prohibiting the District Court from continuing its current unlawful practice.


In sum, not only does “pay or stay” sentencing violate a clear legal duty, individual appeals from Judge Gerds’s general “pay or stay” sentencing practice would be an inadequate remedy. Therefore, an order of superintending control should issue to put an end to the unconstitutional “pay or stay” sentencing practice in the 38th District Court.

CONCLUSION AND RELIEF REQUESTED

Based on the facts and law set forth above and documented in plaintiff's complaint, this Court should exercise superintending control over the 38th District Court and order the District Court not to jail any defendant pursuant to a "pay or stay" sentence or any similar order, such as commitment to jail with release authorized upon payment, without first determining that the defendant has the financial ability to pay. This Court should also order the District Court to impose a non-custodial sentence on Ms. Anderson that accommodates her limited ability to pay. Further, if this Court requires additional record evidence before rendering a final judgment in this matter, the Court should open discovery, order the District Court to produce records as requested by plaintiff or by this Court, and issue any other appropriate order in furtherance of this Court's jurisdiction and superintending control power over the 38th District Court.

Dated: July 9, 2015

Respectfully submitted,



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Attorneys for Plaintiff

There is no pending or resolved civil action arising out of the transaction or occurrence alleged in this complaint. However, criminal appeals arising out of the transaction or occurrence alleged in this complaint have been previously filed in this Court, where they were given docket numbers 15-444-AR, 15-1474-AR, and 15-2185-AR. Case numbers 15-444 and 15-1474 were assigned to Judge Mary A. Chrzanowski. Case number 15-2185 was assigned to Judge Kathryn A. Viviano, and a motion has been filed to reassign the case to Judge Chrzanowski.

COMPLAINT FOR SUPERINTENDING CONTROL

Introduction

1. Plaintiff Donna Elaine Anderson requests that this Court take superintending control over the 38th District Court pursuant to MCL 600.615 and MCR 3.302 and order District Judge Carl F. Gerds III to perform his clear legal duty to refrain from imposing “pay or stay” sentences on indigent defendants who cannot afford to pay.

2. Although imposing “pay or stay” sentences on defendants who cannot afford to pay is clearly unconstitutional under binding United States Supreme Court and Michigan caselaw, Judge Gerds maintains a general practice of imposing such sentences without an ability-to-pay determination.

3. As a direct result of this unconstitutional practice, indigent defendants in the 38th District Court are routinely incarcerated because they are poor, while defendants with means do not serve jail time for comparable offenses.

4. Ms. Anderson pleaded guilty to contempt in the 38th District Court for failing to license her dogs and failing to appear in court on the dog license tickets.

5. Ms. Anderson is indigent and is unable to pay the \$455 in fines, fees and costs she has been assessed.

6. Under Judge Gerds’s general practice of sentencing indigent defendants to “pay or stay” sentences, Ms. Anderson faces imminent incarceration due to poverty when she is sentenced on July 22, 2015.

7. Ms. Anderson therefore brings this action, on behalf of herself and all others similarly situated, seeking relief from Judge Gerds’s practice of sentencing indigents to incarceration under clearly unconstitutional “pay or stay” sentences.

The Clear Legal Duty Not to Impose “Pay or Stay” Sentences

8. Courts sentencing criminal defendants have a clear legal duty not to sentence a defendant to jail for failure to pay fines, fees, costs, and similar legal financial obligations unless the defendant has the financial ability to pay.

9. The United States Supreme Court and the appellate courts of this State have repeatedly held that it is unconstitutional to sentence someone to jail for failure to pay fines, fees, costs, and similar legal financial obligations unless that person has the financial ability to pay.¹

10. A recent report of the State Court Administrative Office (SCAO) reaffirmed that Michigan judges have this clear legal duty, stating:

In the three decades since the United States Supreme Court issued its decision in *Bearden v Georgia*, 461 US 660 (1983), judges have been required to address the issue of ability to pay before incarcerating a person for failure to pay court-ordered financial obligations. Michigan law is also clear that a judge may not incarcerate someone who lacks the ability to pay court-ordered financial obligations.²

11. Such sentences are unconstitutional because they condition a person’s liberty on his or her financial means, thereby violating the right to equal protection under the law and the right not to be deprived of liberty without due process of law.

12. The unconstitutional sentencing practice known colloquially as “pay or stay” consists of imposing a sentence that orders the defendant to pay a specified amount of money or,

¹ See, e.g., *Bearden v Georgia*, 461 US 660; 103 S Ct 2064; 76 L Ed 2d 221 (1983); *Tate v Short*, 401 US 395; 91 S Ct 668; 28 L Ed 2d 130 (1971); *People v Jackson*, 463 Mich 271; 769 NW2d 630 (2009); *People v Collins*, 239 Mich App 125; 607 NW2d 760 (1999); *People of the City of Eastpointe v Rockett*, unpublished opinion of the Macomb Circuit Court, issued March 18, 2015 (Docket No. 15-444-AR) (attached as Exhibit A).

² SCAO Ability to Pay Workgroup, *Tools and Guidance for Determining and Addressing an Obligor’s Ability to Pay* (April 20, 2015), <http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Reports/AbilityToPay.pdf>, p. 1.

if the amount is not paid, to serve a specified amount of time in jail.

13. A “pay or stay” sentencing practice, when carried out without regard to defendants’ ability to pay, is unconstitutional because it creates a two-tier system of justice: persons of means pay money and remain free, whereas poor people who are unable to pay go to jail.

The “Pay or Stay” Sentencing Practice in the 38th District Court

14. This case concerns the sentencing practice of the 38th District Court in Eastpointe.

15. A single district judge, the Hon. Carl F. Gerds III, serves in the 38th District Court.

16. Judge Gerds has a general practice of imposing “pay or stay” sentences.

17. Judge Gerds has a general practice of imposing sentences that require defendants to go to jail immediately unless they pay fines, fees and costs in full on the day of sentencing.

18. Judge Gerds has a general practice of not conducting an indigency hearing or otherwise assessing defendants’ ability to pay before imposing such sentences.

19. Judge Gerds has a general practice of not allowing defendants to pay their financial obligations over time or to enter into payment plans with the court,³ nor does he allow indigent defendants to perform community service in lieu of making payments.

People of the City of Eastpointe v Ryan Edward Rockett

20. Judge Gerds’s sentencing practice is exemplified by the case of *People v Rockett*, 38th District Court case numbers 14EA05894B-OI and 14EA05894C-OT.

³ Attached as Exhibit B is a photograph of a sign posted in the lobby of the 38th District Court, stating “FINES & COSTS DUE UPON SENTENCING” and “NO PAYMENT PLANS.”

21. The defendant in that case, Ryan Edward Rockett, was found guilty of operating a vehicle without insurance and driving while his license was suspended.

22. On January 30, 2015, Judge Gerds sentenced Mr. Rockett to pay fees and costs in the amount of \$1500 or serve 93 days in jail.⁴

23. Judge Gerds made no inquiry into Mr. Rockett's financial ability to pay.

24. At the sentencing hearing, Judge Gerds merely stated, "Hopefully you can pay that and be on your way."

25. Mr. Rockett asked, "Is it pay or stay?"

26. Judge Gerds confirmed, "Yes, sir."

27. The register of actions for Mr. Rockett's case confirms that Mr. Rockett's sentence was "MONEY OR JAIL."⁵

28. The judgments of sentence generated in Mr. Rockett's case state that he was committed to jail with release authorized "upon payment of fine/costs."⁶

29. Mr. Rockett was indigent and could not afford to immediately pay \$1500.

30. Therefore, Mr. Rockett was immediately sent to jail.

31. At the time of his sentencing, Mr. Rockett was a recipient of need-based government assistance in the form of food assistance and Medicaid.

32. At the time of his sentencing, Mr. Rockett had recently obtained a job and was saving up money to pay the costs and fees associated with his case.

33. However, when he was sent to jail, he lost his job.

⁴ Rockett Sentencing Transcript, January 30, 2015, Exhibit C.

⁵ Rockett Registers of Actions, Exhibit D.

⁶ Rockett Judgments of Sentence, Exhibit E.

34. After he was sent to jail, Mr. Rockett retained undersigned pro bono counsel from the ACLU of Michigan and, through counsel, filed an emergency motion for bond pending appeal on the grounds that his pay-or-stay sentence was unconstitutional because he was indigent.

35. Judge Gerds denied the request for bond pending appeal.

36. Mr. Rockett then sought bond pending appeal from this Court on the same grounds.

37. The case was assigned to the Hon. Mary A. Chrzanowski (docket no. 15-444-AR), who granted bond and granted Mr. Rockett's application for leave to appeal.

38. By the time Mr. Rockett was released, he had served 14 days in the Macomb County Jail.

39. On March 18, 2015, Judge Chrzanowski issued an opinion and order in Mr. Rockett's appeal holding that Judge Gerds's "pay or stay" sentencing practice was unconstitutional. A copy of the opinion and order is attached as Exhibit A.

40. In the March 18, 2015 opinion and order, this Court reviewed the binding case law from the U.S. Supreme Court, the Michigan Supreme Court, and the Michigan Court of Appeals. The court then explained:

In the context of "pay or stay" or "fine or time" sentencing practices, a sentencing court demands that a defendant serve a certain jail sentence, unless he or she is able to immediately pay various fines, fees, and costs. In actuality, a "pay or stay" sentence imposes imprisonment for the failure to pay certain fines, costs, and fees. Pursuant to [*People v Jackson*, 483 Mich 271; 769 NW2d 630 (2009)], this constitutes the imposition of a fee with the simultaneous enforcement that fee, i.e. if the indigent defendant is unable to immediately pay the fines, costs, and fees, they are mandated to serve jail time. Thus, a court must conduct an ability-to-pay analysis, *before* enforcing the fee – sentencing defendant to jail time.

Through the imposition of a "pay or stay" or "fine or time" sentence, a court embraces a sentencing practice that provides that a person of means

can simply pay the amount demanded and avoid jail time, while the poor, who cannot pay that amount immediately, are subjected to incarceration. This practice is unconstitutional pursuant to [*Bearden v Georgia*, 461 US 660; 103 S Ct 2064; 76 L Ed 2d 221 (1983)] and [*People v Collins*, 239 Mich App 125; 607 NW2d 760 (1999)] under the Equal Protection Clauses of both the federal and state constitutions.⁷

41. This Court therefore vacated the judgments of sentence in Mr. Rockett's case and remanded for resentencing.

42. Judge Gerds resentenced Mr. Rockett on May 1, 2015.

43. At the resentencing hearing, despite the clear guidance from this Court, Judge Gerds again failed to conduct any inquiry into Mr. Rockett's ability to pay.⁸

44. Instead, Judge Gerds resentenced Mr. Rockett to 93 days in jail, this time *without* authorization for release upon payment of fines and costs.

45. Mr. Rockett again sought bond pending appeal, and Judge Gerds again denied the request.

46. Mr. Rockett again filed an emergency application for leave to appeal and an emergency motion for bond pending appeal with this Court.

47. This Court granted the emergency application and granted bond, and the merits of Mr. Rockett's second appeal are pending before Judge Chrzanowski under docket number 15-1474-AR.

48. By the time Mr. Rockett was released, he had served an additional four days in jail.

⁷ Exhibit A, p.4.

⁸ Rockett Resentencing Transcript, May 1, 2015, Exhibit F.

People of the City of Eastpointe v Stephane Earl-Rico Milton

49. Another example of Judge Gerds's unconstitutional "pay or stay" sentencing practice is the case *People v Milton*, 38th District Court case number 14EA06438-ON.

50. The defendant in that case, Stephane Earl-Rico Milton, was found guilty of contempt for failing to appear on a ticket for "pedestrian fail to use cross walk," otherwise known as jaywalking.

51. On June 19, 2015, Judge Gerds sentenced Mr. Milton to pay fees and costs in the amount of \$334 or serve 30 days in jail.⁹

52. At the time of the June 19, 2015 sentencing in Mr. Milton's case, this Court had already issued its March 18, 2015 opinion and order in Mr. Rockett's case explaining the unconstitutionality of Judge Gerds's "pay or stay" sentencing practice. In that opinion, this Court had explained that "a court must conduct an ability-to-pay analysis" before sentencing a defendant to jail time on a pay-or-stay sentence.

53. At Mr. Milton's June 19, 2015 sentencing hearing, however, Judge Gerds made no inquiry into Mr. Milton's financial ability to pay.

54. At the sentencing hearing, Judge Gerds explained: "Pay the \$334[,] off you go. If you'd rather do the 30 days, sir, then you don't owe anything at all."

55. Mr. Milton asked if he could make partial payments, and Judge Gerds denied the request.

56. As in Mr. Rockett's case, the register of actions in Mr. Milton's case confirms that Mr. Milton's sentence is "MONEY OR JAIL."¹⁰

⁹ Milton Sentencing Transcript, June 19, 2015, Exhibit G.

¹⁰ Milton Register of Actions, Exhibit H.

57. The judgment of sentence generated in Mr. Milton's case likewise states that he was committed to jail with release authorized "upon payment of fine/costs."¹¹

58. Mr. Milton was indigent and could not afford to immediately pay \$334.

59. Therefore, Mr. Milton was immediately sent to jail.

60. At the time of his sentencing, Mr. Milton was a recipient of need-based government assistance in the form of food assistance and Medicaid.

61. Mr. Milton had been temporarily disabled as a result of a car accident, and had recently obtained employment as a door-to-door salesman.

62. When Mr. Milton was sent to jail, he lost his job.

63. After he was sent to jail, Mr. Milton retained undersigned pro bono counsel from the ACLU of Michigan.

64. Mr. Milton was subsequently granted bond pending appeal, and his application for leave to appeal is pending before this Court under docket number 15-2185-AR.

65. By the time Mr. Milton was granted bond pending appeal, he had served five days in jail on his "pay or stay" sentence arising from his jaywalking citation.

Additional Examples of "Pay or Stay" Sentencing in the 38th District Court

66. In addition to the cases described above, courtwatchers from the ACLU of Michigan have observed Judge Gerds routinely sentence defendants to "pay or stay" without determining whether they have the ability to pay.¹² These sentences order the defendants' immediate commitment to the Macomb County Jail unless they pay the full amount of fines, costs and fees owed to the court on the day they are sentenced.

¹¹ Milton Judgment of Sentence, Exhibit I.

¹² Berschback Affidavit, Exhibit J; Doukoure Affidavit, Exhibit K; Sullivan Affidavit, Exhibit L.

67. On January 9, 2015, Judge Gerds sentenced Dar-Shawn Roman Brown to serve 30 days in jail unless he immediately paid \$438 for fines, fees and costs associated with urinating in public. The register of actions in Mr. Brown's case states "MONEY OR JAIL."¹³ Judge Gerds did not make any inquiry into Mr. Brown's ability to pay prior to imposing the sentence.¹⁴

68. On January 9, 2015, Judge Gerds sentenced Harvey Williams to serve 90 days unless he immediately paid \$1625 in fines, fees and costs for driving while license suspended and disorderly conduct. The register of actions in Mr. Williams's case states "MONEY OR JAIL."¹⁵ Mr. Williams had brought some money with him to court to pay, but was told by the court clerk that he had not brought enough to cover the total amount that he owed, and was taken by the court officer to lock-up.¹⁶

69. On February 20, 2015, Judge Gerds sentenced Noel Thomas Callaway to serve 30 days in jail unless he immediately paid \$590 in fines, fees and costs for failure to display a valid license. The register of actions in Mr. Callaway's case states "MONEY OR JAIL."¹⁷ Judge Gerds did not make any inquiry into Mr. Callaway's ability to pay prior to imposing the sentence.¹⁸

70. On February 20, 2015, Judge Gerds sentenced Tory Chico Jones to serve 30 days in jail unless he immediately paid \$386 in fines, fees and costs for disobeying a traffic signal/red

¹³ Dar-Shawn Roman Brown Register of Actions, Exhibit M.

¹⁴ Doukoure Affidavit, Exhibit K.

¹⁵ Williams Register of Actions, Exhibit N.

¹⁶ Doukoure Affidavit, Exhibit K.

¹⁷ Callaway Register of Actions, Exhibit O.

¹⁸ Berschback Affidavit, Exhibit J.

light and contempt for failure to appear. The register of actions in Mr. Jones's case states "MONEY OR JAIL."¹⁹ Judge Gerds did not make any inquiry into Mr. Jones's ability to pay prior to imposing the sentence.²⁰

71. On May 29, 2015, Judge Gerds sentenced Terrance Dion Fuqua to serve 45 days in jail unless he immediately paid \$620 in fines, fees and costs for failure to display a valid license. The register of actions in Mr. Fuqua's case states "MONEY OR JAIL."²¹ Judge Gerds did not make any inquiry into Mr. Fuqua's ability to pay prior to imposing the sentence.²²

72. On May 29, 2015, Judge Gerds sentenced Lieatrice Nicole Grayson to serve 45 days in jail unless she immediately paid \$420 in fines, fees and costs for failure to display a valid license. The register of actions in Ms. Grayson's case states "MONEY OR JAIL."²³ Judge Gerds did not make any inquiry into Ms. Grayson's ability to pay prior to imposing the sentence.²⁴

73. On May 29, 2015, Judge Gerds sentenced Justice Shannon Wade to serve 60 days in jail unless she immediately paid \$1058 in fines, fees and costs for driving with a suspended license and expired plate and contempt for failure to appear. The registers of actions in Ms. Wade's case state "MONEY OR JAIL."²⁵ Judge Gerds did not make any inquiry into Ms.

¹⁹ Jones Register of Actions, Exhibit P.

²⁰ Berschback Affidavit, Exhibit J.

²¹ Fuqua Register of Actions, Exhibit Q.

²² Berschback Affidavit, Exhibit J.

²³ Grayson Register of Actions, Exhibit R.

²⁴ Berschback Affidavit, Exhibit J.

²⁵ Wade Registers of Actions, Exhibit S.

Wade's ability to pay prior to imposing the sentence.²⁶

74. On May 29, 2015, Judge Gerds sentenced Alicia Shawnta Brown to serve 30 days in jail unless she immediately paid \$535 in fines, fees and costs for allowing a person to drive in violation of the motor vehicle code. The register of actions in Ms. Brown's case states "MONEY OR JAIL."²⁷ Judge Gerds did not make any inquiry into Ms. Brown's ability to pay prior to imposing the sentence.²⁸

75. On May 29, 2015, Judge Gerds sentenced Vanesia Lanette-Danielle Evans to serve 60 days in jail unless she immediately paid \$848 in fines, fees and costs for defective equipment, failure to display a valid license and proof of insurance and contempt for failure to appear. The registers of actions in Ms. Evans's case state "MONEY OR JAIL."²⁹ Judge Gerds did not make any inquiry into Ms. Evans's ability to pay prior to imposing the sentence.³⁰

76. On May 29, 2015, Judge Gerds sentenced Delon Martez Adams to serve 60 days in jail unless he immediately paid \$593 in fines, fees and costs for no proof of insurance, driving on an expired license, and contempt for failure to appear. The registers of actions in Mr. Adams's case state "MONEY OR JAIL."³¹ Judge Gerds made no inquiry into Mr. Adams's ability to pay.³²

²⁶ Berschback Affidavit, Exhibit J.

²⁷ Alicia Shawnta Brown Register of Actions, Exhibit T.

²⁸ Berschback Affidavit, Exhibit J.

²⁹ Evans Registers of Actions, Exhibit U.

³⁰ Berschback Affidavit, Exhibit J.

³¹ Adams Registers of Actions, Exhibit V.

³² Berschback Affidavit, Exhibit J.

77. On June 29, 2015, Judge Gerds sentenced Chontae Michelle Knight to serve 60 days in jail unless she immediately paid \$785 in fines, fees and costs for driving on a suspended license. The register of actions in Ms. Knight's case states "MONEY OR JAIL."³³ Judge Gerds did not make any inquiry into Ms. Knight's ability to pay prior to imposing the sentence.³⁴

People of the City of Eastpointe v Donna Elaine Anderson

78. Donna Elaine Anderson is the plaintiff in this action.

79. Ms. Anderson is the defendant in *People v Anderson*, 38th District Court case numbers 14EA04628A-OM and 14EA04628B-OM.³⁵

80. Ms. Anderson's case is currently pending, and she is scheduled for sentencing on July 22, 2015.

81. On April 15, 2015, Ms. Anderson pleaded guilty to not having a dog license and contempt for failure to appear on that citation.

82. As a result of the dog license violation and associated penalties and late fees, Ms. Anderson now owes \$455 in fines, fees and costs to the court.

83. Ms. Anderson is indigent.³⁶

84. Ms. Anderson is a single mother with two young children dependent solely on her for their care and wellbeing.

85. Ms. Anderson is the recipient of means-tested government assistance including Section 8 housing assistance, utility assistance, food assistance, and Medicaid.

³³ Knight Registers of Actions, Exhibit W.

³⁴ Sullivan Affidavit, Exhibit L.

³⁵ Anderson Registers of Actions, Exhibit X.

³⁶ Anderson Affidavit, Exhibit Y.

86. Ms. Anderson has been unable to obtain steady full-time employment because she must take care of her children and cannot afford child care.

87. As a result of her indigency, Ms. Anderson often falls behind in paying her regular household bills.

88. For example, Ms. Anderson is currently two months behind in paying her water bill.

89. Ms. Anderson's top priority is to keep her children fed and housed in a home with electricity and running water.

90. Ms. Anderson was told by her court-appointed attorney that her sentence will be to either pay the \$455 she owes to the court or, if she cannot pay that amount in full on the date of sentencing, to go to jail.

91. Ms. Anderson's sentencing was originally scheduled for May 20, 2015.

92. Because of her indigency, Ms. Anderson was not able to save or obtain \$455 by May 20, 2015.

93. When Ms. Anderson came to court on May 20, 2015 without \$455, her attorney adjourned her sentencing for approximately 30 days so that she would not go to jail.

94. Ms. Anderson's attorney has explained to her that the court has a strict policy of not allowing payments plans (see Exhibit Y), that she would not be allowed to do community service in lieu of paying, and that she would go directly to jail if she was unable to immediately pay \$455 in full at the time of her sentencing.

95. Ms. Anderson's sentencing was rescheduled for June 24, 2015.

96. Because of her indigency, Ms. Anderson was not able to save or obtain \$455 by June 24, 2015.

97. When Ms. Anderson came to court on June 24, 2015, she brought \$150 with her as a demonstration of her good-faith intent to pay off her debt over time.

98. When Ms. Anderson's case was called, her attorney asked for an additional 30-day adjournment of her sentencing because Ms. Anderson did not have the full \$455 that day.

99. Judge Gerds granted the adjournment but warned Ms. Anderson that this would be her last chance and there would be no further adjournments of her sentencing hearing.³⁷

100. Ms. Anderson's sentencing was rescheduled for July 22, 2015.

101. Due to Ms. Anderson's indigency, she has been unable to save or obtain \$455 and will be unable to do so by July 22, 2015.

102. Based on Judge Gerds's established practice, Ms. Anderson knows that if she appears on July 22, 2015 without \$455, she will be sentenced to jail and immediately taken into custody without regard to her financial inability to pay.

103. Ms. Anderson is a single mother who lives alone with her two young children. Ms. Anderson was told by her attorney that if the judge sends her to jail and she has not arranged for someone to care for her children, her children would be taken by Child Protective Services.

104. Ms. Anderson has admitted responsibility for her offense, has now obtained the dog licenses required by city ordinance, and is fully prepared to be punished. However, she does not believe that she should be sent to jail based on her inability to pay when a similarly situated defendant with the ability to pay would not be jailed.

Grounds for Superintending Control

105. Judge Gerds's "pay or stay" sentencing practice violates his clear legal duty under the due process and equal protection guarantees of the federal and state constitutions not to

³⁷ Anderson Transcript, Exhibit Z.

impose sentences that result in defendants' incarceration due to their inability to pay.

106. No available legal remedy other than superintending control is adequate to obtain the relief sought because:

- a. this complaint challenges a general practice of the District Court;
- b. individualized appeals from Judge Gerds's individual decisions have proved unsuccessful in ending the challenged practice;
- c. even when appeals have been successful in challenging an individual sentence, defendants have been forced to serve some period of jail time before obtaining release on bond pending appeal, thereby causing them irreparable harm;
- d. if Ms. Anderson is sentenced to jail because she cannot afford to pay \$455 in fines, fees and costs, she will be deprived of her liberty in violation of the United States and Michigan Constitutions, causing her irreparable harm;
- e. even if Ms. Anderson appeals her individual sentence and is successful both in obtaining bond pending appeal and in the appeal itself, she will be forced to serve some period of jail time before being released, causing her irreparable harm;
- f. an appeal of Ms. Anderson's individual sentence cannot provide relief to similarly situated persons affected by the District Court's general sentencing practice; and
- g. similarly situated persons, who by definition are indigent, are unlikely to have the resources to appeal their "pay or stay" sentences, and, even if

they do, are likely to have served the entirety of their unconstitutional sentences before their cases can be heard.

Class Allegations

107. Ms. Anderson seeks an order of superintending control as a representative party on behalf of all persons similarly situated to her.

108. The class of such persons is defined as all persons who are or will be defendants before Judge Gerds in the 38th District Court and who are or will be subject to a “pay or stay” or similar sentence in that Court and who are or will be unable to afford to pay.

109. The class is sufficiently numerous to make joinder of all its members impracticable. The allegations of this complaint give rise to a fair inference that dozens (and most likely hundreds) of defendants in the 38th District Court have been given “pay or stay” sentences without consideration of their ability to pay. Absent the relief sought by this complaint, a large number of defendants will continue to be harmed by the challenged practice, and the joinder of such persons in this action is inherently impracticable.

110. The questions of law or fact common to the members of the class predominate over questions affecting only individual members. The common question of law is whether a “pay or stay” sentencing practice, when carried out without regard to defendants’ financial ability to pay, violates the due process and equal protection guarantees of the federal and state constitutions. The common questions of fact are whether Judge Gerds engages in such a practice and whether members of the class are subject to it. These questions predominate over questions affecting only individual members because the challenged practice itself violates defendants’ entitlement to an individualized consideration of their financial circumstances that the law clearly requires.

111. Ms. Anderson's claim is typical of the claim of the class. Ms. Anderson is a defendant in 38th District Court who, pursuant to the challenged practice and like other members of the class, is likely to be sentenced to jail by Judge Gerds because she is too poor to pay the fines, fees and costs assessed against her. For the reasons set forth above, superintending control is the only adequate remedy available to her and the class.

112. Ms. Anderson will fairly and adequately assert and protect the interests of the class. There are no known conflicts between her and absent class members with respect to the matters at issue in this action; she will vigorously prosecute this action on behalf of the class; and undersigned counsel from the ACLU has the experience, expertise, and resources to represent the class.

113. The maintenance of this action as a class action will be superior to other available methods of adjudication in promoting the convenient administration of justice. The function of a writ of superintending control is to serve the interests of the judicial system as a whole as a device for protecting the system's integrity and furthering its efficiency. Under the present facts superintending control providing relief to a class will allow this Court to address and resolve objections concerning a generalized practice of the District Court and to issue an appropriate remedial order providing final equitable or declaratory relief with respect to the class.

PRAYER FOR RELIEF

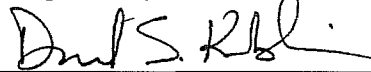
Based on the foregoing, plaintiff Donna Elaine Anderson asks that this Court assume superintending control over the 38th District Court and:

- a. enter an interim order requiring the District Court to temporarily stay Ms. Anderson's case and adjourn her sentencing pending the issuance of a final judgment in this proceeding or until further order of this Court;

- b. enter a judgment ordering the District Court not to jail any defendant pursuant to a “pay or stay” sentence or any similar order, such as commitment to jail with release authorized upon payment, without first determining that the defendant has the financial ability to pay;
- c. enter a judgment ordering the District Court to impose a non-custodial sentence on Ms. Anderson that accommodates her limited ability to pay; and
- d. issue any other interim or final order deemed reasonable, necessary or just in furtherance of this Court’s jurisdiction over this matter.

Dated: July 9, 2015

Respectfully submitted,



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EXHIBIT A

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

PEOPLE OF THE CITY OF EASTPOINTE,

Plaintiff-Appellee,

vs.

Case No. 15-444-AR

RYAN EDWARD ROCKETT,

Defendant-Appellant.

OPINION AND ORDER

This matter is before the Court on defendant-appellant Ryan Edward Rockett's appeal of the 38th District Court's January 30, 2015, Judgments of Sentences.¹

I. Background

On September 23, 2014, defendant pled guilty to driving while his license was suspended, and was found guilty by the district court of operating a vehicle without insurance. On January 30, 2015, defendant was sentenced by the district court to 30 days in jail for operating a vehicle without insurance, with an authorization for release upon payment of \$246.00.² Defendant was also sentenced to 93 days in jail for driving while his license was suspended, with an authorization for release upon payment of \$1,254.00.³ According to the

¹ While defendant has submitted a brief on appeal, the City of Eastpointe has not filed a responsive brief on the merits of defendant's appeal.

² According to the Judgment of Sentence, defendant was obligated to pay the state minimum fee of \$40.00, court costs in the amount of \$151.00, and "other" costs of \$55.00.

³ According to the Judgment of Sentence, defendant was obligated to pay the state minimum fee of \$50.00, crime victim's rights fee of \$75.00, court costs in the amount of \$824.00, attorney fees in the amount of \$75.00, and "other" costs of \$130.00.

sentencing hearing transcript, the sentences were to run concurrently. In total, defendant was ordered to pay \$1,500.00 on the day of sentencing or serve 93 days in jail.

At the sentencing hearing, the district court stated, “Hopefully you can pay that and be on your way. Sir, if I ever see you again, you’re not getting that opportunity to pay or go to jail, you’re just going to go to jail and it’s going to be for 93 days. Just want to give you the heads up.” Sentencing Transcript at 8. In response, defendant asked, “is it pay or stay?” *Id.* The court confirmed, “Yes, sir.” *Id.*

On February 4, 2015, the district court denied defendant’s motion for bond pending appeal. On February 9, 2015, defendant filed the instant appeal, along with an emergency motion for bond pending appeal. On February 12, 2015, this Court granted defendant’s emergency motion for bond pending appeal, and took the appeal under advisement.⁴

II. Standard of Review

Defendant challenges the sentences imposed by the 38th District Court, under both the United States and Michigan Constitutions. “This presents a question of constitutional law, which is reviewed de novo.” *People v Jackson*, 483 Mich 271, 277; 769 NW2d 630 (2009).

III. Arguments of the Parties

Defendant argues that the 38th District Court violated his rights under both the United States and Michigan Constitutions when it sentenced him to jail, under an alleged sentencing practice commonly known as “pay or stay” or “fine or time.” Specifically, defendant contends that the district court erred when it sentenced him to 93 days in jail when he could not

⁴ The Court notes that counsel for the City of Eastpointe stated at the hearing that he would be willing to stipulate to remanding the matter to the District Court for resentencing. However, counsel for defendant responded that her client was exercising his right to challenge the constitutionality of the imposed sentences.

immediately pay \$1,500.00 in fines, fees, and court costs, without first ascertaining his ability to pay through an indigency hearing.

IV. Law & Analysis

“It is well established that a sentence that exposes an offender to incarceration unless he pays restitution or some other fine violates the Equal Protection Clauses of the federal and state constitutions because it results in unequal punishments for offenders who have and do not have sufficient money.” *People v Collins*, 239 Mich App 125, 135-136; 607 NW2d 760 (1999); *Tate v Short*, 401 U S 395, 397-400; 91 S Ct 668; 28 L Ed 2d 130 (1971).

However, this substantive limitation on the imprisonment of indigents is to be distinguished from the situation where a defendant was willfully at fault in failing to pay the fine. *Collins*, 239 Mich App at 136; *Bearden v Georgia*, 461 US 660, 668; 103 S Ct 2064, 2070; 76 L Ed 2d 221 (1983). In this regard, courts are to consider whether a defendant has “willfully refused to pay the fine . . . when he has the means to pay” or where defendant’s “failure to make sufficient bona fide efforts to seek employment or borrow money in order to pay the fine,” which “may reflect an insufficient concern for paying the debt he owes to society for his crime.” *Bearden*, 461 US at 668. Conversely, where a defendant “has made all reasonable efforts to pay the fine . . . yet cannot do so through no fault of his own,” a court must consider “whether alternate methods of punishing the defendant are available.” *Id.* 668-669. On this point, “the sentencing court can consider the entire background of the defendant, including his employment history and financial resources.” *Id.* at 670.

While “a truly indigent defendant [should] never be required to pay” a fee, it is not mandated that an ability-to-pay or indigency analysis take place before the fee is imposed. *Jackson*, 483 Mich at 287. Notably, the Michigan Supreme Court held that *Bearden* requires an

ability-to-pay assessment only before a defendant is imprisoned for failing to pay costs. *Id.* As to this issue, the *Jackson* Court found that “when considering an ability-to-pay analysis, there is a substantive difference between the imposition of a fee and the enforcement of that fee.” *Id.* at 290.

In the context of “pay or stay” or “fine or time” sentencing practices, a sentencing court demands that a defendant serve a certain jail sentence, unless he or she is able to immediately pay various fines, fees, and costs. In actuality, a “pay or stay” sentence imposes imprisonment for the failure to pay certain fines, costs, and fees. Pursuant to *Jackson*, this constitutes the imposition of a fee with the simultaneous enforcement of that fee, i.e. if the indigent defendant is unable to immediately pay the fines, costs, and fees, they are mandated to serve jail time. Thus, a court must conduct an ability-to-pay analysis, *before* enforcing the fee – sentencing defendant to jail time.

Through the imposition of a “pay or stay” or “fine or time” sentence, a court embraces a sentencing practice that provides that a person of means can simply pay the amount demanded and avoid jail time, while the poor, who cannot pay that amount immediately, are subjected to incarceration. This practice is unconstitutional pursuant to *Bearden* and *Collins* under the Equal Protection Clauses of both the federal and state constitutions.

In this case, the district court sentenced defendant to 93 days in jail when he could not immediately pay \$1,500.00 in fines, fees, and court costs, without first ascertaining his ability to pay through an indigency hearing. The district court, by its own admission on the record, imposed a “pay or stay” sentence. In so doing, the district court imposed an unconstitutional sentence pursuant to *Bearden*, *Collins*, and *Jackson*. This Court cannot countenance a sentencing practice that provides for disparate sentences between persons of means and the poor, based

solely upon "the amount of money he has." *Griffen v Illinois*, 351 US 12, 19; 76 S Ct 585, 591; 100 L Ed 891 (1956)(plurality opinion).

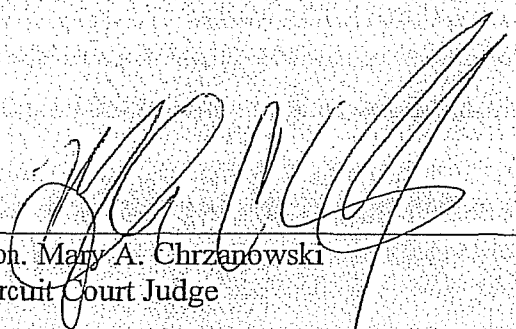
Furthermore, the Court rejects any argument that district court's sentencing order did not impose a jail sentence because defendant failed to pay fines, costs, and fees, but rather allowed for the suspension of the jail sentence or early release if defendant paid his court obligations. "Regardless of how the trial court phrases its order, the result is a shorter term for the defendant if he can and does pay, and a longer term if he cannot and does not pay – a result clearly prohibited by the Equal Protection Clause." *Collins*, 239 Mich App at 136.

V. Conclusion

For the reasons set forth above, the 38th District Court's January 30, 2015, Judgments of Sentences are VACATED. The case is hereby REMANDED to the District Court for resentencing consistent with the law.

Pursuant to MCR 2.602(A)(3), this Opinion and Order resolves the last pending claim and closes the case.

IT IS SO ORDERED.



Hon. Mary A. Chrzanowski
Circuit Court Judge

March 18, 2015

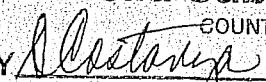
A TRUE COPY
Carmella Sabaugh
COUNTY CLERK
BY 
DEPUTY CLERK

EXHIBIT B

MCR 1.110
FINES & COSTS
DUE UPON
SENTENCING
NO PAYMENT
PLANS

BAIL BONDSMANS

Step Two - Visit Me
register for individual
assistance, child dayc
arrange assistance.

EXHIBIT C

STATE OF MICHIGAN

IN THE 38TH JUDICIAL DISTRICT COURT (MACOMB COUNTY)

PEOPLE OF THE CITY OF EASTPOINTE,

v.

Case No: 14EA05894 B & C

RYAN EDWARD ROCKETT,

Defendant.

SENTENCING

BEFORE THE HONORABLE CARL F. GERDS III, DISTRICT JUDGE

Eastpointe, Michigan - Friday, January 30, 2015

APPEARANCES:

For the People:

None

For the Defendant:

MR. TIMOTHY R. SINCLAIR (P23687)
Attorney at Law
P.O. Box 36913
Grosse Pointe Farms, Michigan 48236
(313) 770-0019

Transcribed by:

MS. HEIDI M. TERENCE, CER 8219
Certified Electronic Recorder
(586) 445-5020

TABLE OF CONTENTS

WITNESSES: PEOPLE

PAGE

None

WITNESSES: DEFENDANT

None

EXHIBITS:

IDENTIFIED

RECEIVED

1 Eastpointe, Michigan

2 Friday, January 30, 2015 at 8:44 a.m.

3 THE COURT: Calling the case of People versus
4 Rockett.

5 MR. SINCLAIR: Ready, your Honor. Good morning, may
6 it please the Court, Timothy Sinclair appearing on behalf of
7 Mr. Rockett, who's here today. Your Honor, we're here before
8 the Court on a contempt hearing.

9 THE COURT: You can have a seat, sir. No, not you.
10 You back there, sir, you can have a seat. Thank you very
11 much. I appreciate that. Sir, your name, please.

12 THE DEFENDANT: Ryan Rockett.

13 THE COURT: Thank you very much. Mr. Sinclair.

14 MR. SINCLAIR: Yes, your Honor, we're here on a
15 contempt hearing. Judge, Mr. Rockett failed to appear --

16 THE COURT: Well, it's actually a sentencing.

17 MR. SINCLAIR: It is a sentencing date. It's an
18 adjourned sentencing and contempt --

19 THE COURT: Sentencing and contempt because --

20 MR. SINCLAIR: I think one in the two.

21 THE COURT: -- of the no insurance. Exactly.

22 MR. SINCLAIR: Since the time we were here and
23 entered our plea, Judge, a couple -- a couple sad things have
24 happened.

25 THE COURT: Yes.

1 MR. SINCLAIR: Mr. Rockett was saving money up to
2 pay the fine for the Court. He tells me his roommate stole
3 the money, or he believes his roommate stole the money, and he
4 was -- he was apprehensive to come to before the Court without
5 any money to pay the fine.

6 THE COURT: Sure.

7 MR. SINCLAIR: He -- since that time also he has
8 admitted himself to Sacred Heart for substance abuse. He was
9 there for --

10 THE COURT: Do you have some documentation on that,
11 Mr. Sinclair?

12 MR. SINCLAIR: I asked Mr. Rockett, he does not. He
13 just came out on the 19th, Judge. I -- I wish I had something
14 for you.

15 THE COURT: Okay.

16 MR. SINCLAIR: I just learned of that this morning.

17 THE COURT: Okay. Thank you.

18 MR. SINCLAIR: He also tells me that he has a -- has
19 a -- he's working for a flooring company, Cusamano Flooring.
20 He has a job, he's trying to earn some money and he regularly
21 attends NA meetings and is also part of intensive out-patient
22 treatment.

23 THE COURT: Okay.

24 MR. SINCLAIR: He recognizes he's got a problem and
25 a lot of bad luck, Judge.

1 THE COURT: Yeah, a lot of problems, I think. More
2 problems than I probably can solve for him.

3 MR. SINCLAIR: But he's here today, Judge, --

4 THE COURT: Thank you.

5 MR. SINCLAIR: -- for sentencing and on the
6 contempt.

7 THE COURT: Okay. Thank you. And before we start,
8 Ashley can you tell me what's owed on the contempt charge.

9 COURT CLERK: \$246.00.

10 THE COURT: Okay. Thank you. Mr. Rockett, what
11 would you like to tell me? Anything?

12 THE DEFENDANT: Your Honor, I'm -- I'm trying to
13 turn the corner and change my life.

14 THE COURT: What -- what changed? What -- what's
15 causing you to try and change, to turn the corner? What is it
16 that happened?

17 THE DEFENDANT: To be honest --

18 THE COURT: Tell me when it happened. I'd like to
19 know when it happened.

20 THE DEFENDANT: This is exactly what happened. I've
21 been living --

22 THE COURT: No, I just want to know when you decided
23 to turn the corner. That's what I want to know. When did
24 that occur? Do you have a date for me that it happened?

25 THE DEFENDANT: It happened at Christmas.

1 THE COURT: This year, okay. Go ahead. And what
2 happened at Christmas that all of a sudden you want to turn
3 the corner?

4 THE DEFENDANT: Well, I've been wanting to.

5 THE COURT: You've been wanting to, okay.

6 THE DEFENDANT: And my mother asked me to show my
7 grandmother, who is struggling to go to the doctor and do what
8 she needs to do, to show her how to do it. Man up and face my
9 problems and show her that it can be done. And I said I would
10 and I want to. I'm very happy at the moment.

11 THE COURT: Well, good.

12 THE DEFENDANT: It's very nice to be free of
13 substances. To able to be employable and maybe save my house
14 and save some face with my family.

15 THE COURT: Sure. You know, here's what I'll tell
16 you. You may have a substance abuse problem, that may be your
17 issue, but you've also got a driving issue. You know, and
18 I'll tell you this, and Mr. Sinclair will probably vague for
19 me, I see a lot of bad driving records. I see a lot of them.
20 You know what, I don't think I've seen one as bad as yours.

21 THE DEFENDANT: Okay.

22 THE COURT: Do you know how many pages yours is?
23 Forget about counting all of your suspensions and all of your
24 offenses because I don't have that time and I don't want to
25 make these people wait a couple of hours.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you know how many pages your driving
3 record is?

4 THE DEFENDANT: Five.

5 THE COURT: Just how many pages it is?

6 THE DEFENDANT: Five, probably.

7 THE COURT: How many?

8 THE DEFENDANT: Five to seven.

9 THE COURT: How many?

10 THE DEFENDANT: Five to seven, I'm guessing.

11 THE COURT: Try four times that amount.

12 THE DEFENDANT: Okay.

13 THE COURT: You've got 19 pages, just a driving
14 record that is absolutely horrendous. Frankly, sir, you
15 should just go to jail. I think that's what you're basically
16 -- that's what should happen here. You should just be jailed
17 on this, frankly, that's what I think, because you're just
18 such a terrible driver. That anybody who could accumulate 19
19 pages of a driving record is just -- I don't know how you did
20 it. I don't how that's even possible but that's -- we're just
21 talking the last 14 years.

22 THE DEFENDANT: If I may.

23 THE COURT: I don't know how you did it, sir, --

24 THE DEFENDANT: Okay. I'm sorry.

25 THE COURT: -- buy you did it. You know what, good

1 luck to you. Anything else, Mr. Sinclair?

2 MR. SINCLAIR: Nothing further, Judge.

3 THE COURT: It's the sentence of the Court it's
4 \$500.00 in fines, \$300.00 in costs, there's a \$50.00 state fee
5 and a \$75.00 crime victim's rights fee. I want you to repay
6 court appointed counsel fees. Mr. Sinclair, your fees?

7 MR. SINCLAIR: One seventy-five, Judge.

8 THE COURT: One hundred seventy-five dollars or 93
9 days Macomb County Jail. The contempt charge is \$246.00 or 30
10 days Macomb County Jail, to run concurrent. Good luck to you,
11 sir. Have a seat in the box. Hopefully you can pay that and
12 be on your way. Sir, if I ever see you again, you're not
13 getting that opportunity to pay or go to jail, you're just
14 going to go jail and it's going to be for 93 days. Just want
15 to give you the heads up.

16 THE DEFENDANT: May I ask what --

17 THE COURT: Yes, sir.

18 THE DEFENDANT: -- is it pay or stay?

19 THE COURT: Yes, sir.

20 THE DEFENDANT: Like, even if I go to jail I can pay
21 later?

22 THE COURT: You always can, sir. Have a seat in the
23 box. Thank you.

24 (At 8:49 a.m., proceeding concluded)

CERTIFICATE

STATE OF MICHIGAN)
)
COUNTY OF MACOMB)

I certify that this transcript, consisting of 9 pages, is a complete, true, and correct transcript of the proceedings and testimony taken in this case on January 30, 2015.

Dated: February 9, 2015

/S/ HEIDI M. TERENZI
Heidi M. Terenzi CER 8219
38th District Court
16101 Nine Mile Road
Eastpointe, MI 48021
(586) 445-5020

EXHIBIT D

STATE OF MICHIGAN 38TH JUDICIAL DISTRICT ORI500065J PIN: 14-17623	REGISTER OF ACTIONS	CASE NO: 14EA05894B D01 OI X-REFERENCE #: 14-17623 STATUS: DISP
--	---------------------	---

JUDGE OF RECORD: GERDS, CARL F., III P-27221
JUDGE: GERDS, CARL F., III P-27221

CITY OF EASTPOINTE v

ROCKETT/RYAN/EDWARD
21744 PLEASANT AVE
EASTPOINTE MI 48021

CTN:
TCN: F314234005L
SID:
ENTRY DATE: 08/22/14
OFFENSE DATE: 08/22/14 334 AM
VPN: MI DBL5823 15
CDL: N
PAPER PLATE:

DOB: 03/08/1983 SEX: M RACE: W DLN: MI R230755189177
VEH YR: 1990 VEH MAKE: LINC VIN:

DEFENSE ATTORNEY ADDRESS
NELSON, SOFIA VALENCIA,
2966 WOODWARD AVE
DETROIT MI 48201

BAR NO.
P-77960
Telephone No.
(313) 578-6806

OFFICER: WOOD/ANDREW

DEPT: EASTPOINTE POLICE DEPARTM

PROSECUTOR:
VICTIM/DESC: 9 MILE/PLEASANT

VENUE: CITY OF EASTPOINTE

COUNT 1 C/M/F: C 3106
NO INSURANCE

ORD#424.01

ARRAIGNMENT DATE: PLEA: ADMIT RESPON PLEA DATE: 09/23/14
FINDINGS: JDGMNT RNRDR DISPOSITION DATE: 09/23/14
SENTENCING DATE: 01/30/15

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	45.00	0.00	45.00	45.00

JAIL SENTENCE: 30 DAYS PROBATION:

VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
8/22/14	FILING DATE 082214	KMH
1	ORIGINAL CHARGE NO INS	KMH
	ORDINANCE FINE & COSTS \$ 110.00	KMH
	STATE COSTS - TRAFFIC CIVIL INFRACTION \$ 40.00	KMH
	BLD1 \$ 10.00	KMH
	SCHEDULED FOR INFORMAL HEARING	
	082214 800A GERDS, CARL F., III P-27221	KMH
	PROCEEDING HELD ALL COUNTS	CMB
	JDG METRY, THEODORE A., P-47087	CMB
	SCHEDULED FOR FORMAL HEARING	
	092314 800A GERDS, CARL F., III P-27221	CMB
9/04/14	MISCELLANEOUS ACTION ALL COUNTS	KMH
	ATT SINCLAIR, TIMOTHY R. P-23687	KMH
9/23/14	1 PROCEEDING HELD NO INS	CMB
	JDG METRY, THEODORE A., P-47087	CMB
	ADMIT RESPONSIBILITY	CMB
	JUDGMENT RENDERED	CMB
	SENTENCE \$ 160.00	CMB

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
	MISCELLANEOUS ACTION NO INS	CMB
09/24/14	SCHEDULED FOR SENTENCING 101714 800A GERDS,CARL F.,III	P-27221 CMB
10/14/14	1 ABSTRACT GENERATED SEQ: 00024	CMB
10/15/14	ATTY REQ ADJ	KMH
	MISCELLANEOUS ACTION ALL COUNTS	KMH
	REMOVED FROM CALENDAR 101714 800A GERDS,CARL F.,III	P-27221 KMH
	SCHEDULED FOR SENTENCING 110514 100P GERDS,CARL F.,III	P-27221 KMH
	NOTICE TO APPEAR GENERATED	
	ALL COUNTS	KMH
11/14/14	ATTORNEY REMOVED ALL COUNTS	CWG
12/08/14	1 14 DAY NOTICE GENERATED NO INS	
12/22/14	1 DRIVERS LICENSE REINSTATEMENT FEE (SOS)	
	NO INS \$ 25.00	
	SOS FEE/JUROR COMPENSATION	
	NO INS \$ 20.00	
	FAC/FCJ/FCPV NOTICE GENERATED	
	NO INS	
01/02/15	1 20% LATE PENALTY NO INS	\$ 41.00
01/26/15	ARRAIGNMENT ON BENCH WARRANT HELD	
	ALL COUNTS	
	JDG GERDS,CARL F.,III	P-27221 CMB
	SCHEDULED FOR CONTEMPT HEARING	
	013015 800A GERDS,CARL F.,III	P-27221 CMB
1	MISCELLANEOUS ACTION NO INS	KMH
	ATT ABBOTT,ELLEN A.,	P-48236 KMH
	ATTORNEY REMOVED ALL COUNTS	KMH
1	MISCELLANEOUS ACTION NO INS	KMH
	ATT SINCLAIR,TIMOTHY R.	P-23687 KMH
	NOTICE TO APPEAR GENERATED	
	NO INS	KMH
	NOTICE TO APPEAR GENERATED	
	NO INS	KMH
1/30/15	SENTENCE HEARING HELD ALL COUNTS	AAS
	JDG GERDS,CARL F.,III	P-27221 AAS
	SUPPLEMENTAL SENTENCING	AAS
	*** MONEY OR JAIL ***	AAS
	JAIL TERM 030D	AAS
	COMMITTED	AAS
	MACOMB COUNTY JAIL	AAS
1	JUDGMENT OF SENTENCE GENERATED	
	NO INS	AAS
2/05/15	MISCELLANEOUS ACTION ALL COUNTS	KMH
	SUPPLEMENTAL SENTENCING \$ 161.00-	KMH

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
	MONEY OR JAIL	KMH
	ORDINANCE FINE & COSTS	\$ 110.00- KMH
	20% LATE PENALTY	\$ 41.00- KMH
	BLD1	\$ 10.00- KMH
	CASE CLOSED	KMH
04/07/15		
	MISCELLANEOUS ACTION ALL COUNTS	KMH
	ATT NELSON, SOFIA VALENC	P-77960 KMH
	APPEARANCE BY AN ATTORNEY FILED	KMH
04/24/15		
	MISCELLANEOUS ACTION ALL COUNTS	CMB
	SUPPLEMENTAL SENTENCING	\$ 40.00- CMB
	'	CMB
	STATE COSTS - TRAFFIC CIVIL INFRACTION	\$ 40.00- CMB
	CASE REOPENED	CMB
	MISCELLANEOUS ACTION ALL COUNTS	CMB
	SCHEDULED FOR SENTENCING 050115 800A GERDS, CARL F., III	P-27221 CMB
05/01/15		
	1 JUDGMENT OF SENTENCE GENERATED	
	NO INS	CMB

STATE OF MICHIGAN 38TH JUDICIAL DISTRICT ORI500065J PIN: 14-17623	REGISTER OF ACTIONS	CASE NO: 14EA05894C D01 OT X-REFERENCE #: 14-17623 STATUS: DISP
--	---------------------	---

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JUDGE: GERDS, CARL F., III P-27221

CITY OF EASTPOINTE v

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21744 PLEASANT AVE
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DOB: 03/08/1983 SEX: M RACE: W DLN: MI R230755189177
VEH YR: 1990 VEH MAKE: LINC VIN: VEHICLE TYPE: PA
CDL: N
PAPER PLATE:

DEFENSE ATTORNEY ADDRESS BAR NO.
NELSON, SOFIA VALENCIA, P-77960
2966 WOODWARD AVE Telephone No.
DETROIT MI 48201 (313) 578-6806

OFFICER: WOOD/ANDREW DEPT: EASTPOINTE POLICE DEPARTM
P-61725
PROSECUTOR: BROWN, CALVIN C.,
VICTIM/DESC: 9 MILE/PLEASANT VENUE: CITY OF EASTPOINTE

COUNT 1 C/M/F: M 3200 ORD#424.01
DROVE WHILE LICENSE SUSP / REV / DENIED
ARRAIGNMENT DATE: 08/22/14 PLEA: PLEAD GUILTY PLEA DATE: 09/23/14
FINDINGS: DSP GLTY PL DISPOSITION DATE: 09/23/14
SENTENCING DATE: 05/01/15
FINE COST ST.COST CON MISC. REST TOT FINE TOT DUE
0.00 0.00 0.00 0.00 45.00 0.00 45.00 45.00
JAIL SENTENCE: 93 DAYS PROBATION:
VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

BOND HISTORY:

RCPT DT	NO.	ACTION	TYPE	CHECK	AMOUNT	STAT	CLRK
8/22/14	D323659	8/22/14	10% DEPOSIT		200.00	CLSD	MHH
		12/30/14	BOND FORFEIT	94708	200.00		ALJ

DATE ACTIONS, JUDGMENTS, CASE NOTES INITIALS

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
8/22/14	FILING DATE 082214	KMH
1	ORIGINAL CHARGE DROVE S/R/D	KMH
	ORDINANCE FINE & COSTS	KMH
	SCHEDULED FOR ARRAIGNMENT/PRE-TRIAL	
	082214 800A GERDS, CARL F., III P-27221	KMH
	ARRAIGNMENT HELD ALL COUNTS	CMB
	JDG METRY, THEODORE A., P-47087	CMB
	NOT GUILTY ENTERED BY COURT	CMB
	SCHEDULED FOR PRE-TRIAL 092314 800A GERDS, CARL F., III P-27221	CMB
	CASH/SURETY/10% CASH	CMB
	BOND SET \$ 2000.00	CMB
	PETITION FOR COURT APPOINTED ATTORNEY FILED	CMB
	APPOINT ATTORNEY	CMB
1	PRETRIAL RELEASE/CUSTODY GENERATED-IN CUSTODY DROVE S/R/D	CMB

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
	BAIL BOND GENERATED DROVE S/R/D	MHH
	MONETARY TRANSACTION DROVE S/R/D	MHH
	10% DEPOSIT \$ 200.00	MHH
	BOND POSTED \$ 200.00 D323659	MHH
09/04/14	1 CASH TENDERED	MHH
	MISCELLANEOUS ACTION ALL COUNTS	KMH
	ATT SINCLAIR, TIMOTHY R. P-23687	KMH
	NOTICE TO APPEAR GENERATED	
09/23/14	ALL COUNTS	KMH
	1 PROCEEDING HELD DROVE S/R/D	CMB
	CASH OR SURETY	CMB
	BOND SET \$ 3000.00	CMB
	DEFT FAILED TO APPEAR, ISSUE BENCH WARRANT - FORFEIT BOND	CMB
	1 PRE-TRIAL HELD DROVE S/R/D	CMB
	JDG METRY, THEODORE A., P-47087	CMB
	PLEAD GUILTY	CMB
	DISPOSED ON GUILTY PLEA	CMB
	MISCELLANEOUS ACTION DROVE S/R/D	CMB
	SCHEDULED FOR SENTENCING 101714 800A GERDS, CARL F., III P-27221	CMB
	1 NOTICE TO APPEAR GENERATED	
	DROVE S/R/D	CMB
	RECALL WARRANT / REINSTATE BOND	CMB
09/24/14		
	1 ABSTRACT GENERATED SEQ: 00025	CMB
10/14/14		
	ATTY REQ ADJ	KMH
10/15/14		
	MISCELLANEOUS ACTION ALL COUNTS	KMH
	REMOVED FROM CALENDAR 101714 800A GERDS, CARL F., III P-27221	KMH
	SCHEDULED FOR SENTENCING 110514 100P GERDS, CARL F., III P-27221	KMH
	NOTICE TO APPEAR GENERATED	
	ALL COUNTS	KMH
11/05/14		
	1 PROCEEDING HELD DROVE S/R/D	CMB
	CASH/SURETY/10% CASH	CMB
	BOND SET \$ 10000.00	CMB
	FAILED TO APPEAR - ISSUE BENCH WARRANT	CMB
11/12/14		
	1 MISCELLANEOUS ACTION DROVE S/R/D	CWG
	SUPPLEMENTAL SENTENCING \$ 75.00	CWG
	WARRANT FEE \$ 75.00	CWG
	MISCELLANEOUS ACTION DROVE S/R/D	CWG
	CASH/SURETY/10% CASH	CWG
	BOND SET \$ 10000.00 111214	CWG
	1 MOTION, AFFIDAVIT & BENCH WARRANT GENERATED	
	DROVE S/R/D	CWG
	CONTEMPT/FAIL TO APPEAR	CWG
	CONTEMPT/FOLLOWING REASONS	CWG
	FAC / IMP LANE USE / NO INS / DWLS	CWG
	/ FTA ON COURTDAT	CWG
11/13/14		

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
	WARRANT ENTRY REQUESTED 111314 103P SYSIDNO (20:) GENERATED BY LEIN 44639138	KMV KMV KMV
11/14/14	WARRANT ENTERED INTO LEIN ATTORNEY REMOVED ALL COUNTS	CWG
11/18/14	1 ORDER FORFEITING BAIL BOND GENERATED BF DT 121614	AAS
12/05/14	1 14 DAY NOTICE GENERATED DROVE S/R/D	
12/22/14	1 DRIVERS LICENSE REINSTATEMENT FEE (SOS) DROVE S/R/D \$ 25.00 SOS FEE/JUROR COMPENSATION DROVE S/R/D \$ 20.00 FAC/FCJ/FCPV NOTICE GENERATED DROVE S/R/D	
12/29/14	FORFEITURE TICKLER DELETED BF-DT 121614	AAS
12/30/14	1 PARTIAL PAYMENT MADE DROVE S/R/D BOND FORFEITURE BOND FORFEITED \$ 200.00 PAYMENT \$ 200.00 D159034 1 CHECK TENDERED 123014 JUDGMENT AFTER BOND FORFEITURE GENERATED	ALJ ALJ ALJ ALJ ALJ AAS
01/02/15	1 20% LATE PENALTY DROVE S/R/D \$ 24.00	
01/26/15	MISCELLANEOUS ACTION ALL COUNTS WARRANT CANCELED FROM LEIN ARRAIGNMENT ON BENCH WARRANT HELD ALL COUNTS JDG GERDS,CARL F.,III P-27221 SCHEDULED FOR SENTENCING 013015 800A GERDS,CARL F.,III P-27221 CASH/SURETY/10% CASH BOND SET \$ 5000.00 ***** NOTIFY CAC *****	COO COO CMB CMB CMB CMB CMB
	1 PRETRIAL RELEASE/CUSTODY GENERATED-IN CUSTODY DROVE S/R/D BAIL BOND GENERATED DROVE S/R/D MISCELLANEOUS ACTION DROVE S/R/D SURETY BOND POSTED \$ 1250.00 012615 BUSTED BAIL BOND AGENCY	CMB ALJ ALJ ALJ ALJ
	1 MISCELLANEOUS ACTION DROVE S/R/D ATT ABBOTT, ELLEN A., P-48236 ATTORNEY REMOVED ALL COUNTS 1 MISCELLANEOUS ACTION DROVE S/R/D ATT SINCLAIR, TIMOTHY R. P-23687	KMH KMH KMH KMH
01/28/15		

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
	NOTICE TO APPEAR GENERATED	
	ALL COUNTS	MHH
01/30/15		
	SENTENCE HEARING HELD ALL COUNTS	AAS
	JDG GERDS, CARL F., III	P-27221 AAS
	SUPPLEMENTAL SENTENCING	\$ 1110.00 AAS
	CRIME VICTIM RIGHTS ASSESSMENT	\$ 75.00 AAS
	ORDINANCE FINE & COSTS	\$ 500.00 AAS
	STATE COSTS - MISDEMEANOR/ORDINANCE	\$ 50.00 AAS
	COURT COST-LOCAL ORDINANCE CRIMINAL	\$ 300.00 AAS
	BLD2	\$ 10.00 AAS
	ATTORNEY FEES	\$ 175.00 AAS
	JAIL TERM 093D	AAS
	COMMITTED	AAS
	MACOMB COUNTY JAIL	AAS
	SENTENCE	AAS
	*** MONEY OR JAIL ***	AAS
1	JUDGMENT OF SENTENCE GENERATED	
	DROVE S/R/D	AAS
02/03/15		
	MISCELLANEOUS ACTION ALL COUNTS	CMB
	BOND HEARING 020415 100P GERDS, CARL F., III	P-27221 CMB
02/04/15		
	MOTION DENIED / FAILED TO COMPLY WITH COURT RULES	CMB
02/05/15		
	MISCELLANEOUS ACTION ALL COUNTS	KMH
	SUPPLEMENTAL SENTENCING	\$ 1159.00- KMH
	MONEY OR JAIL	KMH
	CRIME VICTIM RIGHTS ASSESSMENT	\$ 75.00- KMH
	ATTORNEY FEES	\$ 175.00- KMH
	COURT COST-LOCAL ORDINANCE CRIMINAL	\$ 300.00- KMH
	ORDINANCE FINE & COSTS	\$ 500.00- KMH
	20% LATE PENALTY	\$ 24.00- KMH
	BLD2	\$ 10.00- KMH
	WARRANT FEE	\$ 75.00- KMH
	CASE CLOSED	KMH
02/09/15		
	PREP OF SENT TRANSCRIPT PER REQ OF ATTY SOFIA NELSON	HMT
	PREP OF MOTION HEARING TRANSCRIPT PER REQ OF ATTY BROOKE TUCKER	HMT
04/07/15		
	MISCELLANEOUS ACTION ALL COUNTS	KMH
	ATT NELSON, SOFIA VALENC	P-77960 KMH
	APPEARANCE BY AN ATTORNEY FILED	KMH
4/24/15		
	MISCELLANEOUS ACTION ALL COUNTS	CMB
	SUPPLEMENTAL SENTENCING	\$ 50.00- CMB
	STATE COSTS - MISDEMEANOR/ORDINANCE	\$ 50.00- CMB
	CASE REOPENED	CMB
	MISCELLANEOUS ACTION ALL COUNTS	CMB

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
	SCHEDULED FOR SENTENCING 050115 800A GERDS,CARL F.,III NOTICE TO APPEAR GENERATED	P-27221 CMB
	ALL COUNTS	CMB
	MISCELLANEOUS ACTION ALL COUNTS	CMB
	PROS BROWN,CALVIN C., NOTICE TO APPEAR GENERATED	P-61725 CMB
	ALL COUNTS	CMB
04/27/15	OPINION AND ORDER FROM CC FILED	CMB
04/29/15	CERTIFICATE OF SERVICE FILED DEFENDANT'S RESENTENCING MEMORANDUM FILED	CMB CMB
05/01/15	SENTENCE HEARING HELD ALL COUNTS JDG GERDS,CARL F.,III SUPPLEMENTAL SENTENCING JAIL TERM 093D CREDIT FOR TIME SERVED IN JAIL 014D COMMITTED MACOMB COUNTY JAIL	CMB P-27221 CMB CMB CMB CMB CMB CMB
1	JUDGMENT OF SENTENCE GENERATED DROVE S/R/D	CMB

EXHIBIT E

STATE OF MICHIGAN
38TH JUDICIAL DISTRICT
JUDICIAL CIRCUIT

JUDGMENT OF SENTENCE
 COMMITMENT TO JAIL

CASE NO.
14EA05894B OI
X-REF: 14-17623

ORI
MI-500065J

Court Address 16101 NINE MILE ROAD
EASTPOINTE, MI 48021

Court Telephone no.
(586) 445-5020

Police Report No. 14-17623

THE PEOPLE OF

CITY OF EASTPOINTE

V

Defendant's name, address, and telephone no.

ROCKETT/Ryan/EDWARD
21744 PLEASANT AVE
EASTPOINTE, MI 48021

CTN/TCN

SID

DOB

F314234005L

3/08/1983

THE COURT FINDS:

1. Defendant was found guilty on SEPT. 23, 2014 of the crime(s) as stated below:
Date

Count	CONVICTED BY			DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC code
	Plea*	Court	Jury			
1		X			NO INSURANCE	424.01-ORD

*For plea: insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill. For dismissal: insert "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff.

2. Defendant represented by an attorney: TIMOTHY R. SINCLAIR P-23687
 advised of right to counsel and appointed counsel and knowingly, intelligently and voluntarily waived that right.

3. Conviction reportable to Secretary of State. Defendant's driver's license number is MI R230755189177.

IT IS ORDERED:

8. Deferred status is revoked. HYTA status is revoked.

9. Defendant is sentenced to jail as follows: Report at _____ m.

Count	Date Sentence Begins	Sentenced		Credited		To Be Served		Release Authorized for the Following Purpose	Release Period	
		Mos.	Days	Mos.	Days	Mos.	Days		From	To
1			30				30	<input checked="" type="checkbox"/> Upon payment of fine/costs <input type="checkbox"/> To work or seek work..... <input type="checkbox"/> For attendance at school.. <input type="checkbox"/> For medical treatment..... <input type="checkbox"/> Other _____		

10. Defendant shall pay:

COUNT	STATE MIN	CRIM VICT	RESTITUTION	CRT COSTS AND FINE	ATTY FEES	OTHER	TOTAL
1	40.00			151.00		55.00	246.00
						Balance Due:	\$246.00

The due date for payment is _____. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed. Only the fine and some costs may be satisfied by serving time in jail. Defendant shall serve _____ days in jail beginning _____ for failure to pay on time.

JAN. 30, 2015

(SEAL)

Judge/_____
CARL F. GERDS III

P-27221
Bar no.

STATE OF MICHIGAN
38TH JUDICIAL DISTRICT
JUDICIAL CIRCUIT

JUDGMENT OF SENTENCE
 COMMITMENT TO JAIL

CASE NO.

14EA05894C OT
X-REF: 14-17623

ORI
MI-500065J

Court Address 16101 NINE MILE ROAD
EASTPOINTE, MI 48021

Court Telephone no.
(586) 445-5020

Police Report No. 14-17623

THE PEOPLE OF

CITY OF EASTPOINTE

Defendant's name, address, and telephone no.

ROCKETT/RYAN/EDWARD
21744 PLEASANT AVE
EASTPOINTE, MI 48021

CTN/TCN	SID	DOB
F314234005L		3/08/1983

THE COURT FINDS:

1. Defendant was found guilty on SEPT. 23, 2014 of the crime(s) as stated below:
Date

Count	CONVICTED BY			DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC code
	Plea*	Court	Jury			
1	G				DROVE WHILE LICENSE SUSP / REV / DE	424.01-ORD

*For plea: insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill. For dismissal: insert "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff.

2. Defendant represented by an attorney: TIMOTHY R. SINCLAIR P-23687
 advised of right to counsel and appointed counsel and knowingly, intelligently and voluntarily waived that right.

3. Conviction reportable to Secretary of State. Defendant's driver's license number is MI R230755189177.

IT IS ORDERED:

8. Deferred status is revoked. HYTA status is revoked.

9. Defendant is sentenced to jail as follows: Report at _____ m.

Count	Date Sentence Begins	Sentenced		Credited		To Be Served		Release Authorized for the Following Purpose	Release Period	
		Mos.	Days	Mos.	Days	Mos.	Days		From	To
1			93				93	<input checked="" type="checkbox"/> Upon payment of fine/costs <input type="checkbox"/> To work or seek work..... <input type="checkbox"/> For attendance at school.. <input type="checkbox"/> For medical treatment..... <input type="checkbox"/> Other _____		

10. Defendant shall pay:

COUNT	STATE MIN	CRIM VICT	RESTITUTION	CRT COSTS AND FINE	ATTY FEES	OTHER	TOTAL
1	50.00	75.00		824.00	175.00	130.00	1,254.00

The due date for payment is _____. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed. Only the fine and some costs may be satisfied by serving time in jail. Defendant shall serve _____ days in jail beginning _____ for failure to pay on time.

JAN. 30, 2015

(SEAL)

Judge/~~WHYXXXXXX~~ CARL F. GERDS III

P-27221
Bar no.

EXHIBIT F

STATE OF MICHIGAN

IN THE 38TH JUDICIAL DISTRICT COURT (MACOMB COUNTY)

PEOPLE OF THE CITY OF EASTPOINTE,

v.

Case No: 14EA05894 B & C

RYAN EDWARD ROCKETT,

Defendant.

SUPPLEMENTAL SENTENCING

BEFORE THE HONORABLE CARL F. GERDS III, DISTRICT JUDGE

Eastpointe, Michigan - Friday, May 1, 2015

APPEARANCES:

For the People:

None

For the Defendant:

MS. SOFIA V. NELSON (P77960)
Attorney at Law
2966 Woodward Avenue
Detroit, Michigan 48201
(313) 578-6806

Transcribed by:

MS. HEIDI M. TERENCE, CER 8219
Certified Electronic Recorder
(586) 445-5020

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WITNESSES: PEOPLE

PAGE

None

WITNESSES: DEFENDANT

None

EXHIBITS:

IDENTIFIED

RECEIVED

1 Eastpointe, Michigan

2 Friday, May 1, 2015 at 8:55 a.m.

3 THE COURT: People versus Rockett. For the record,
4 please.

5 MS. NELSON: Good morning, your Honor, Sophia Nelson
6 on behalf of the Defendant, Ryan Rockett.

7 THE COURT: Good afternoon, sir, your name -- or
8 good morning, sir, your name, please.

9 THE DEFENDANT: Ryan Rockett.

10 THE COURT: Thank you. Counsel.

11 MS. NELSON: Good morning, your Honor. We're here
12 today on resentencing for a driving on license suspended --

13 THE COURT: Yes.

14 MS. NELSON: -- and driving without insurance.

15 THE COURT: Yes.

16 MS. NELSON: Mr. Rockett took an appeal up to the
17 Circuit Court --

18 THE COURT: Counsel, I'm aware of all that. I read
19 your sentencing memorandum. I'm very aware of it.

20 MS. NELSON: Okay.

21 THE COURT: I did receive the opinion just this
22 week, I think it was. So, anyhow, I read it all.

23 MS. NELSON: Okay. Excellent.

24 THE COURT: So you don't need to go over all that.
25 Go ahead.

1 MS. NELSON: Okay. So as then you know, Mr. Rockett
2 was able to obtain employment at Wallside Windows around mid-
3 April. His work schedule varies, although he's hoping
4 throughout the summer that he'll be getting more days --

5 THE COURT: Okay.

6 MS. NELSON: -- as more people are installing
7 windows. At this time he's capable of paying --

8 THE COURT: It's not about the money, Counsel.

9 MS. NELSON: Okay.

10 THE COURT: He doesn't have to pay anything,
11 frankly.

12 MS. NELSON: Okay.

13 THE COURT: Anything else?

14 MS. NELSON: I mean, if you -- if the Judge has any
15 questions, I'd be happy to answer them.

16 THE COURT: No, I have no -- I've read your
17 memorandum. You've really not addressed his behavior in any
18 way. He's got one of the worst records I've ever seen --

19 MS. NELSON: Okay. Well, I'm --

20 THE COURT: -- and he continues to ignore the law
21 and continues to drive without a license. He's a terrible
22 driver and he just completely ignores the law. So, I mean,
23 you don't want to address those issues, but that's okay. You
24 don't need to respond to it.

25 MS. NELSON: I mean, I'm happy to address those

1 issues.

2 THE COURT: Go ahead, Counsel.

3 MS. NELSON: Okay. So Mr. Rockett has, you know,
4 turned his life around. In the last month he has addressed a
5 lot of the underlying problems that were leading to it --

6 THE COURT: Good.

7 MS. NELSON: -- to driving with a license suspended.

8 THE COURT: Sure.

9 MS. NELSON: He now rides his bike and uses the bus.
10 He does not drive not all. He has not been arrested for any
11 traffic offenses in some time now. So I -- I do think that
12 he's addressed the underlying matters the Court is concerned
13 of.

14 THE COURT: Okay. Thank you. Mr. Rockett, what
15 would you like to say? Anything you want to say?

16 THE DEFENDANT: I'm sorry for everything I've done
17 and I'm going to do my best to do the right thing.

18 THE COURT: Okay. Good for you, sir. Anything
19 else, Counsel?

20 MS. NELSON: No, your Honor.

21 THE COURT: Ninety-three days, credit for 14. Have
22 a seat in the box, sir. You're all set. Ninety-three days
23 Macomb County Jail. Have a seat in the box.

24 MS. NELSON: Your Honor --

25 THE COURT: Counsel, yes, you have a question?

1 MS. NELSON: Yeah, I have -- I have a deep concern
2 because he was originally sentenced to pay --

3 THE COURT: Yes.

4 MS. NELSON: -- to pay fines --

5 THE COURT: Yes. And, Counsel, you've appealed it.
6 You can appeal this sentence too, if you'd like. But that's
7 my sentence. It's 93 days. If you read the transcript, and
8 I'm sure that you did, you heard what I said both at the time
9 of the sentencing and you also heard what I said at the appeal
10 bond, which was a procedural matter, nothing more. I've said
11 it. That's how I rule in my court. If you don't like that
12 you can appeal it to Judge Chrzanowski again. Appeal it.
13 I've sentenced him. It's 93 days Macomb County Jail, credit
14 for 14. Have a good day. Thank you.

15 MS. NELSON: Okay. We need to make an oral motion
16 for a bond pending appeal at this time.

17 THE COURT: Well, once again, Counsel how do you do
18 that without filing an appeal first? File your appeal and
19 then I will address the bond.

20 MS. NELSON: No. Your Honor, the Michigan Court
21 Rules --

22 THE COURT: Fine.

23 MS. NELSON: -- clearly allows for a bond pending
24 appeal, an oral motion to happen at the time of sentencing.

25 THE COURT: I'm going to deny -- file your appeal

1 and then I'll be happy to file -- I'll be happy to address the
2 bond issue. File the appeal. What's the basis? You also
3 have to have a basis for the appeal. What's the basis?

4 MS. NELSON: The basis for the appeal is
5 prophylactic rule addressed in the sentencing memorandum.

6 THE COURT: The what?

7 MS. NELSON: The prophylactic rule.

8 THE COURT: Okay.

9 MS. NELSON: So the Michigan --

10 THE COURT: Sure. Counsel, file your appeal. I'm
11 going to deny your request until you file the appeal.

12 THE DEFENDANT: Sir --

13 THE COURT: No, sir, you've had enough chances.

14 MS. NELSON: He's going to lose his --

15 THE COURT: Have a seat, sir.

16 MS. NELSON: Your Honor, he's going to lose his --

17 THE COURT: Have a seat, sir. You're all set.

18 MS. NELSON: -- job if you do this --

19 THE COURT: People versus Lewis.

20 MS. NELSON: -- and he's never going to be able to
21 pay.

22 THE COURT: I'm done. Move on, Counsel. People
23 versus Lewis. Ma'am, no. You're going to have to -- you
24 cannot -- that's the officer's -- we don't let attorneys into
25 the box, please. We have other prisoners there. It's a

1 security issue. So please --

2 MS. NELSON: -- I need to speak with my client to
3 file the appeal.

4 THE COURT: Okay. You can always do that, Counsel.
5 He'll be next door until four o'clock today and they'll be
6 happy to arrange that for you. So, Counsel, I'm not --
7 Counsel --

8 OFFICER SHOCK: It's your -- it's your last chance.

9 THE COURT: Counsel, please. Please. Thank you
10 very much. I appreciate that.

11 (At 9:00 a.m., proceeding concluded)

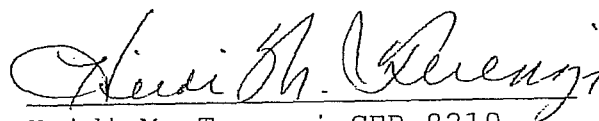
CERTIFICATE

STATE OF MICHIGAN)
)
COUNTY OF MACOMB)

I certify that this transcript, consisting of 8 pages, is
a complete, true, and correct transcript of the proceedings and
testimony taken in this case on May 1, 2015.

Dated:

May 4, 2015



Heidi M. Terenzi CER 8219
38th District Court
16101 Nine Mile Road
Eastpointe, MI 48021
(586) 445-5020

EXHIBIT G

STATE OF MICHIGAN

38TH JUDICIAL DISTRICT COURT (EASTPOINTE, MICHIGAN)

PEOPLE OF THE CITY OF EASTPOINTE,

v

Case No: 14EA06438

STEPHANE EARL-RICO MILTON,

Defendant.

ARRAIGNMENT ON CONTEMPT OF COURT
PLEA AND SENTENCE

BEFORE THE HONORABLE CARL F. GERDS III, DISTRICT JUDGE

Eastpointe, Michigan - Friday, June 19, 2015

APPEARANCES:

For the People:

None

Defendant In Pro Per:

MR. STEPHANE EARL-RICO MILTON
16155 Kentucky Street
Detroit, MI 489221

Transcribe by:

Ms. Heidi M. Terenzi, CER 8219
Certified Electronic Recorder
(586) 445-5020

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WITNESSES: PEOPLE

PAGE

None

WITNESSES: DEFENDANT

None

EXHIBITS:

IDENTIFIED

RECEIVED

None

1 Eastpointe, Michigan

2 Friday, June 19, 2015 at 9:25 a.m.

3 THE COURT: People versus Milton. Sir, you want to
4 step up to the microphone right there for us, please? Sir,
5 your name, please?

6 THE DEFENDANT: Stephane Earl-Rico Milton.

7 THE COURT: Thank you, Mr. Milton. This is what's
8 called an arraignment, sir. You're charged with what's called
9 contempt of court. Because you're charge with contempt of
10 court I can tell you in advance what your sentencing would be
11 if you wish to plead guilty. And that is your sentencing
12 would be \$334 or 30 days Macomb County Jail. Pay the \$334 off
13 you go. If you'd rather do the 30 days, sir, then you don't
14 owe anything at all.

15 On the other hand, sir, if you'd like to have a
16 hearing, and you're entitled to a hearing, your hearing would
17 take place on July 1st at one o'clock. We'll appoint an
18 attorney to represent you and we'll -- I'll set your bond and
19 we'll see you back here on July 1st. So what would you like
20 to do, sir? Would you like to plead guilty or would you like
21 to have that hearing on July 1st.

22 THE DEFENDANT: You said it's three -- the ticket is
23 \$334?

24 THE COURT: Three hundred thirty-four dollars or 30
25 days. Yes, sir.

1 THE DEFENDANT: Okay. What I want to do is can I,
2 like, make partial payments --

3 THE COURT: No, sir.

4 THE DEFENDANT: -- because I have money in my
5 account right now.

6 THE COURT: No, sir. I -- we're passed that stage,
7 sir.

8 THE DEFENDANT: How when I didn't know nothing about
9 the ticket, sir?

10 THE COURT: Well, sir, let me just explain something
11 to you. It's alleged that on September 16th, 2014 an officer
12 handed you a ticket. It had a court date on it. You didn't
13 appear. Either you didn't pay it --

14 THE DEFENDANT: I came to jail.

15 THE COURT: Okay, sir, we're going to get you the
16 hearing. Your hearing --

17 THE DEFENDANT: No, I'm going to plead guilty. I'm
18 going to plead guilty, sir.

19 THE COURT: -- is going to be on July 1st --

20 THE DEFENDANT: I'm going to plead guilty. I'm
21 going to plead guilty.

22 THE COURT: You want to plead guilty?

23 THE DEFENDANT: I take the three --

24 THE COURT: You want to waive your hearing?

25 THE DEFENDANT: Yeah.

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THE COURT: You want to waive your right to an attorney?

THE DEFENDANT: Yes. Yes. Yes, I want to waive all of it.

THE COURT: As to the charge of contempt of court, sir, how do you plead, guilty or not guilty?

THE DEFENDANT: Guilty.

THE COURT: Did you fail to appear, sir?

THE DEFENDANT: Yes, guilty.

THE COURT: Failed to pay your fines and costs?

THE DEFENDANT: Guilty.

THE COURT: Failed to appear at your show cause hearing?

THE DEFENDANT: Guilty.

THE COURT: Thank you. Sir, I'm going to accept your plea. Anything else you want to tell me?

THE DEFENDANT: No, sir.

THE COURT: Three hundred thirty-four dollars or 30 days Macomb County Jail. Good luck to you, sir.

(At 9:27 a.m., proceeding concluded)

CERTIFICATE

STATE OF MICHIGAN)
)
COUNTY OF MACOMB)

I certify that this transcript, consisting of 6 pages, is a complete, true, and correct transcript of the proceedings and testimony taken in this case on June 19, 2015.

Dated:

June 23, 2015

Heidi M. Terenzi

Heidi M. Terenzi CER 8219
38th District Court
16101 Nine Mile Road
Eastpointe, MI 48021
(586) 445-5020

EXHIBIT H



New Search | Name List | Disconnect

Case #: 14EA06438 | Case Type: ON | Case Status: DISP

Header Information

STATE OF MICHIGAN	CASE NO: 14EA06438 D01 ON
38TH JUDICIAL DISTRICT	REGISTER OF ACTIONS
ORIS00065J	X-REFERENCE #: 14-19566
PIN: 14-19566	STATUS: DISP

JUDGE OF RECORD: GERDS, CARL F., III P-27221
JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

MILTON/STEPHANE/EARL-RICO
16155 KENTUCKY ST
DETROIT MI 48221

CTN:

TCN:

SID:

ENTRY DATE: 09/18/14

OFFENSE DATE: 09/16/14 510 PM

VEHICLE TYPE:

VPN:

VEH YR: VEH MAKE:

VIN:

PAPER PLATE:

OFFICER: PIRO/J

DEPT: EASTPOINTE POLICE DEPARTM

PROSECUTOR:

VENUE: CITY OF EASTPOINTE

Charges

COUNT 1 C/M/F: C 2675

ORD#28-122

PEDESTRIAN FAIL TO USE CROSS WALK

ARRAIGNMENT DATE:

PLEA:

PLEA DATE:

FINDINGS: DEFAULT JGMT DISPOSITION DATE: 10/14/14

SENTENCING DATE: 10/14/14

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
140.00	74.00	10.00	0.00	110.00	0.00	334.00	334.00

JAIL SENTENCE: 30 DAYS PROBATION:

VEH IMMOB START DATE:

NUMBER OF DAYS:

VEH FORFEITURE:

BOND HISTORY:

5,200.00 CASH/SURETY/10% CASH BOND SET

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
09/16/14	1 ORIGINAL CHARGE PED CROSS	KMH
	ORDINANCE FINE & COSTS \$ 140.00	KMH
	STATE COSTS - NON-TRAFFIC CIVIL INFRACTION \$ 10.00	KMH
	BLD1 \$ 10.00	KMH
09/18/14	NAME/DLN/DOB OVERRIDE	KMH
	FILING DATE 091814	KMH
1	ABSTRACT STOPPED PED CROSS	KMH
	SCHEDULED FOR INFORMAL HEARING	
	100814 100P GERDS, CARL F., III P-27221	KMH
10/14/14	1 DEFAULT JUDGMENT GENERATED	
	PED CROSS	

	PENALTY ADDED-ORDINANCE	PED CROSS	\$	35.00	
12/04/14					
1	20% LATE PENALTY	PED CROSS	\$	39.00	
12/23/14					
1	MISCELLANEOUS ACTION	PED CROSS			KMV
	SUPPLEMENTAL SENTENCING		\$	25.00	KMV
	SHOW CAUSE FEE		\$	25.00	KMV
	MISCELLANEOUS ACTION	PED CROSS			KMV
	SUPPLEMENTAL SENTENCING				KMV
	MISCELLANEOUS ACTION	PED CROSS			KMV
	SCHEDULED FOR SHOWCAUSE HEARING				
		012615 100P GERDS,CARL F.,III			P-27221 KMV
1	ORDER TO SHOW CAUSE GENERATED-UPDATED SHOWCAUSE FLAG				
		PED CROSS			KMV
	YOU ARE ORDERED TO SHOW CAUSE WHY YOU				KMV
	SHOULD NOT BE HELD IN CRIMINAL CONTEMPT OF				KMV
	COURT				KMV
01/28/15					
1	MISCELLANEOUS ACTION	PED CROSS			CWG
	SUPPLEMENTAL SENTENCING		\$	75.00	CWG
	WARRANT FEE		\$	75.00	CWG
	MISCELLANEOUS ACTION	PED CROSS			CWG
	CASH/SURETY/10% CASH				CWG
	BOND SET		\$	5200.00	012815 CWG
	COLLECTION POSTED ON DOOR				CWG
	ENDS 03/28/15				CWG
1	MOTION, AFFIDAVIT & BENCH WARRANT GENERATED				
		PED CROSS			CWG
	CONTEMPT/FAIL TO APPEAR				CWG
	CONTEMPT/FOLLOWING REASONS				CWG
	FAC / PEDESTRIAN FAIL TO USE				CWG
	CROSSWALK / FTA ON COURTDTE				CWG
01/29/15					
	WARRANT ENTRY REQUESTED	12915 1135A			COO
	SYSDNO (20:) GENERATED BY LEIN				COO
		44762718			COO
	WARRANT ENTERED INTO LEIN				
06/19/15					
	MISCELLANEOUS ACTION	ALL COUNTS			COO
	WARRANT CANCELED FROM LEIN				COO
	ARRAIGNMENT ON BENCH WARRANT HELD				
		ALL COUNTS			CMB
	JDG GERDS,CARL F.,III				P-27221 CMB
	SUPPLEMENTAL SENTENCING				CMB
	PLEAD TO CONTEMPT				CMB
	JAIL TERM	030D			CMB
	COMMITTED				CMB
	MACOMB COUNTY JAIL				CMB
1	JUDGMENT OF SENTENCE GENERATED				
		PED CROSS			CMB
	MONEY OR JAIL				CMB

***** END OF REGISTER OF ACTIONS ***** 06/19/15 14:04

New Search Name List Go to Top

Disconnect

EXHIBIT I

Approved, SCAO

STATE OF MICHIGAN 38TH JUDICIAL DISTRICT JUDICIAL CIRCUIT	JUDGMENT OF SENTENCE <input checked="" type="checkbox"/> COMMITMENT TO JAIL	CASE NO. 14EA06438 ON X-REF: 14-19566
---	--	---

ORI MI-500065J Court Address 16101 NINE MILE ROAD EASTPOINTE, MI 48021 Court Telephone no. (586) 445-5020
 Police Report No. 14-19566

THE PEOPLE OF
 CITY OF EASTPOINTE

V

Defendant's name, address, and telephone no.
 MILTON/STEPHANE/EARL-RICO
 16155 KENTUCKY ST
 DETROIT, MI 48221
 CTN/TCN SID DOB
 3/13/1992

THE COURT FINDS:

1. Defendant was found guilty on OCT. 14, 2014 of the crime(s) as stated below:
 Date

Count	CONVICTED BY		DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC code
	Plea*	Court Jury			
1		X		PEDESTRIAN FAIL TO USE CROSS WALK	28-122-ORD

*For plea: insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill. For dismissal: insert "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff.

2. Defendant represented by an attorney: _____
 advised of right to counsel and appointed counsel and knowingly, intelligently and voluntarily waived that right.

IT IS ORDERED:

8. Deferred status is revoked. HYTA status is revoked.
 9. Defendant is sentenced to jail as follows: Report at _____ m.

Count	Date Sentence Begins	Sentenced		Credited		To Be Served		Release Authorized for the Following Purpose	Release Period	
		Mos.	Days	Mos.	Days	Mos.	Days		From	To
1			30				30	<input checked="" type="checkbox"/> Upon payment of fine/costs <input type="checkbox"/> To work or seek work..... <input type="checkbox"/> For attendance at school.. <input type="checkbox"/> For medical treatment..... <input type="checkbox"/> Other _____		

10. Defendant shall pay:

COUNT	STATE MIN	CRIM VICT	RESTITUTION	CRT COSTS AND FINE	ATTY FEES	OTHER	TOTAL
1	10.00			214.00		110.00	334.00

Balance Due: \$334.00

The due date for payment is _____. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed. Only the fine and some costs may be satisfied by serving time in jail. Defendant shall serve _____ days in jail beginning _____ for failure to pay on time.

EXHIBIT J

AFFIDAVIT OF CHARLOTTE BERSCHBACK

I, Charlotte Berschback, hereby state as follows:

1. I am a 2013 graduate of the University of Michigan.
2. Since January of 2015 I have been working as a part-time, unpaid civil liberties fellow at the American Civil Liberties Union of Michigan (“ACLU”).
3. One of my assignments has been to do courtwatching in order to help the ACLU evaluate whether Michigan judges are complying with the constitutional prohibition on “pay or stay” sentencing.
4. Starting in January of 2015, I observed the 38th District Court during Judge Gerds’s criminal docket on seven separate occasions (1/09/2015; 1/15/2015; 1/27/2015; 2/20/2015; 5/12/2015; 5/29/2015; 6/19/2015). I observed arraignments, sentencings, show cause hearings, contempt hearings, and pre-trial hearings.
5. While courtwatching in the 38th District Court, I routinely witnessed Judge Gerds impose sentences that required the defendant either immediately to pay the full amount of the fines, fees, and costs assessed or to be sent to jail for a specified number of days. When imposing such sentences, Judge Gerds did not inquire into a defendant’s ability to pay.

6. Although the amount owed and the length of the jail terms varied, typical sentences were for several hundred dollars or 30-60 days in jail.
7. Based on my observations, I have outlined Judge Gerds's general practice below.
8. Judge Gerds advises the defendant of his or her rights, including the right to counsel. He tells individuals who were representing themselves that if they pled guilty to charges that day, they will be sentenced that day and will have to pay all the money they owe immediately or go to jail.
9. Some defendants then decide that they would rather not plead that day. Frequently such defendants then ask for court-appointed counsel. Other defendants proceed to plead guilty. In some cases the defendants who are pleading guilty have stated that they do not want to pay the additional cost of court-appointed counsel.
10. When a defendant asks before making a plea how much he or she will owe if he or she pleads, Judge Gerds often refuses to give the defendant an estimation of court costs and fines.
11. If defendants elect to proceed with a plea, Judge Gerds typically tells them to expect jail time unless they are able to pay in full that day. He often tells defendants that if they cannot pay in full by 4 p.m., they will be taken from Eastpointe's lockup to the Macomb County Jail. I also frequently heard

Judge Gerds state during sentencing: “If you can’t pay today, you go to jail today.”

12. Judge Gerds frequently tells defendants that he will not accept payment plans.

13. If a defendant pleads guilty, Judge Gerds then pronounces the sentence.

Although the sentence depends on the offense, in many cases involving relatively minor offenses Judge Gerds imposes a “pay or stay” sentence, ordering the defendant either to pay a specified amount or a specified number of days in jail.

14. After Judge Gerds imposes a “pay or stay” sentence, he then typically orders the defendant to sit in the jury box, sometimes in handcuffs.

15. It is my understanding that what happens to “pay or stay” defendants after they enter the jury box depends on whether they can pay, meaning that defendants who can pay in full that day are released while defendants who cannot pay in full are taken to jail.

16. I have witnessed “pay or stay” defendants being led out of the door located behind the judge, which the judge refers to as leading to lock-up. I have also witnessed defendants be released from the jury box, often after a person who accompanied the defendant to court leaves the courtroom, presumably to make a payment, and then returns. Typically defendants are either released

from the jury box or taken through the door to lock-up within half an hour of sentencing.

17. Not once have I observed Judge Gerds inquire into a defendant's financial situation or determine his or her ability to pay before sentencing the defendant to pay or go to jail.
18. Many of the "pay or stay" sentences are reflected in the defendant's register of actions as "MONEY OR JAIL."
19. There are multiple signs in the courthouse that read "MCR 1.110 FINES & COSTS DUE UPON SENTENCING NO PAYMENT PLANS."
20. I have never witnessed Judge Gerds allow an indigent defendant who was unable to pay his or her total financial obligation immediately to make payments under a payment plan. I have never witnessed Judge Gerds order an indigent defendant to do community service in lieu of payment.
21. Judge Gerds is very vocal about his "no payment plan" policy, which I have heard him announce many times from the bench. I have also heard defendants discuss that they are aware of this policy.
22. I witnessed defendants attempt to plead with Judge Gerds and explain that they could not afford to pay their full fines, fees and costs immediately. Some defendants asked for payment plans or more time. However, I never witnessed Judge Gerds grant more time to pay or payment plan in response

to such pleas. I did sometimes see Judge Gerds grant an adjournment of sentencing when a defendant was represented by counsel and the attorney requested an adjournment.

23. Many of the people I observed being given “pay or stay” sentences by Judge Gerds had been charged with relatively minor infractions such as traffic offenses or jaywalking.

24. Some of the specific sentences I observed include:

a. On February 20, 2015, Judge Gerds sentenced Noel Callaway to serve 30 days in jail unless he immediately paid all fines, fees and costs associated with failure to display a valid license. (Case Nos. 14EA08673A & B). The register of actions in Mr. Callaway’s case states “MONEY OR JAIL,” and shows that he owed \$590.00. Judge Gerds did not make any inquiry into Mr. Callaway’s ability to pay prior to imposing the sentence.

b. On February 20, 2015, Judge Gerds sentenced Tory Jones to serve 30 days in jail unless he immediately paid all fines, fees and costs for disobeying a traffic signal/red light and contempt for failure to appear (Case No. 13EA01114.) The register of action in Mr. Jones’ case states “MONEY OR JAIL,” and shows that he owed \$386.00. Judge Gerds did not make any inquiry into Mr. Jones’s ability to pay prior to

imposing the sentence.

- c. On May 29, 2015, Judge Gerds sentenced Terrance Dion Fuqua to serve 45 days in jail unless he immediately paid all fines, fees and costs for failure to display a valid license. (Case Nos. 15EA02589A, B, C &D.) The register of actions in Mr. Fuqua's case states "MONEY OR JAIL," and shows that he owed \$620.00. Judge Gerds did not make any inquiry into Mr. Fuqua's ability to pay prior to imposing the sentence.
- d. On May 29, 2015, Judge Gerds sentenced Lieatrice Nicole Grayson to serve 45 days in jail unless she immediately paid all fines, fees and costs for failure to display a valid license. (Case Nos. 15EA00823A & B.) The register of actions in Ms. Grayson's case states "MONEY OR JAIL," and shows that he owed \$420.00. Judge Gerds did not make any inquiry into Ms. Grayson's ability to pay prior to imposing the sentence.
- e. On May 29, 2015, Judge Gerds sentenced Justice Shannon Wade to serve 60 days in jail unless she immediately paid all fines, fees and costs for driving with a suspended license, and 30 days in jail unless she immediately paid all fines, fees and costs associated with an expired plate and contempt for failure to appear. (Case Nos.

15EA01534A & B.) The registers of actions in Ms. Wade's case state "MONEY OR JAIL." The register of actions reflects the fees for driving with a suspended license as \$830.00 and the expired plate fines, fees and costs as \$228.00. Judge Gerds did not make any inquiry into Ms. Wade's ability to pay prior to imposing the sentence.

- f. On May 29, 2015, Judge Gerds sentenced Vanesia Lanette-Danielle Evans to serve 60 days in jail unless she immediately paid all fines, fees and costs for defective equipment, failure to display a valid license and proof of insurance and contempt for failure to appear. (Case Nos. 14EA00880A, B, & C.) The registers of actions in Ms. Evans's case state "MONEY OR JAIL," and shows that she owed \$848.00. Judge Gerds did not make any inquiry into Ms. Evans's ability to pay prior to imposing the sentence.
- g. On June 19, 2015, Judge Gerds sentenced Stephane Milton to serve 30 days in jail unless he immediately paid all fines, fees and costs for pedestrian fail to use crosswalk (jaywalking) and contempt for failure to appear. (Case No. 14EA06438). The register of action in Mr. Milton's case states "MONEY OR JAIL," and shows that he owed \$334.00. Judge Gerds did not make any inquiry into Mr. Milton's ability to pay prior to imposing the sentence.

h. On May 29, 2015, Judge Gerds sentenced Delon Adams to serve 60 days in jail unless he immediately paid all fines, fees and costs for no proof of insurance, driving on an expired license, and contempt for failure to appear. (Case No. 12EA01240A & D.) The registers of action in Mr. Adams' case state "MONEY OR JAIL," and shows that he owed \$593.00. Judge Gerds made no inquiry into Mr. Adams's ability to pay.

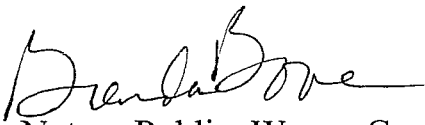
Further affiant saith not.

Dated: July 7, 2015



Charlotte Berschback

Sworn and subscribed to me this 7th day of July, 2015.



Notary Public, Wayne County, MI

BRENDA BOVE
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 3, 2020
ACTING IN COUNTY OF *Wayne*

My commission expires: *11-3-2020*

EXHIBIT K

AFFIDAVIT OF AMY DOUKOURE

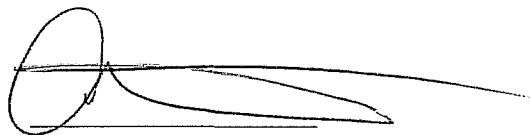
I, Amy Doukoure, hereby state as follows:

1. I am a graduate of University of Detroit Mercy School of Law.
2. In the Winter of 2015 I worked as a legal intern at the American Civil Liberties Union of Michigan (“ACLU”).
3. One of my assignments was to do court-watching in order to help the ACLU evaluate whether Michigan judges are complying with the constitutional prohibition on “pay or stay” sentencing.
4. I observed Judge Gerds in the 38th District Court on several occasions.
5. Throughout my court observations in the 38th District Court I frequently heard court staff use the term “pay or stay” when discussing specific cases.
6. On January 9, 2015, I observed the 38th District Court for approximately four and half hours, spending time both in Judge Gerds’s courtroom and at the clerk’s window.
7. While I was observing Judge Gerds sentencing defendants, I heard him repeatedly tell them, “If you can’t pay today, you go to jail today.” At no time while I was observing Judge Gerds did I see him inquire into a defendant’s ability to pay before imposing a sentence.
8. When I initially went to the clerk’s window to obtain a list of cases on the docket, I observed a courtroom officer bring an individual to the window. That individual gave his name as Harvey Williams. The officer told the clerk that Mr. Williams was a “Pay or Stay.”
9. I spoke to Mr. Williams, who told me that he was there for sentencing on a driving while license suspended and a disorderly conduct charge.

10. Mr. Williams told the clerk that he had some money with him, but the clerk told him that was not enough to cover the fines and costs he owed.
11. Later, when I was observing other cases in the courtroom, I saw the court officer bring Mr. Williams back into the courtroom, put him in the detainee (jury) box, and then later take him through the door to the lock-up.
12. On January 9, 2015, I also observed Judge Gerds sentence Dar-Shawn Brown to serve 30 days in jail unless he immediately paid \$438 for fines, fees and costs associated with urinating in public. Judge Gerds did not make any inquiry into Mr. Brown's ability to pay prior to imposing the sentence.
13. On January 30, 2015, I observed Judge Gerds sentence Ryan Rockett to serve 93 days in jail unless he immediately paid \$1,500 for fines, fees and costs associated with operating a vehicle without insurance and driving while license suspended. Judge Gerds did not make any inquiry into Mr. Rockett's ability to pay prior to imposing the sentence.

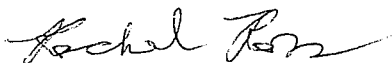
Further affiant saith not.

Dated: July 8, 2015



Amy V. Doukoure

Sworn and subscribed to me this 8th day of July, 2015.



Notary Public, Wayne County, MI

My commission expires: 9/14/20

RACHEL ROSS
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Sep 14, 2020
ACTING IN COUNTY OF

Wayne

EXHIBIT L

AFFIDAVIT OF ANDREW SULLIVAN

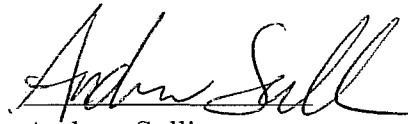
I, Andrew Sullivan, hereby state as follows:

1. I am a 2012 graduate of Kettering University in Flint, Michigan.
2. I have completed my first two years of law school at The University of Chicago Law School.
3. Since May of 2015 I have been working as a full-time, unpaid legal intern at the American Civil Liberties Union of Michigan (“ACLU”).
4. One of my assignments has been to do courtwatching in order to help the ACLU evaluate whether Michigan judges are complying with the constitutional prohibition on “pay or stay” sentencing.
5. I observed the 38th District Court during Judge Gerds’s criminal docket on June 24, 2015 and June 29, 2015.
6. There are multiple signs in the courthouse that read “MCR 1.110 FINES & COSTS DUE UPON SENTENCING NO PAYMENT PLANS.”
7. Not once have I observed Judge Gerds inquire into a defendant’s financial situation or determine his or her ability to pay before sentencing the defendant to pay or go to jail.
8. I have never witnessed Judge Gerds allow an indigent defendant who was unable to pay his or her total financial obligation immediately to make payments under a payment plan. I have never witnessed Judge Gerds order an indigent defendant to do community service in lieu of payment.
9. On June 24, 2015, Judge Gerds granted Donna Anderson an adjournment and re-scheduled her sentencing for July 22, 2015. (Case No. 14EA04628A.) He made it clear that this would be the last time Ms. Anderson’s case would be adjourned.

10. On June 29, 2015, Judge Gerds sentenced Chontae Knight to serve 60 days in jail unless she immediately paid all fines, fees and costs for driving with a suspended license. (Case No. 15EA01999B.) The register of actions in Ms. Knight's case states "MONEY OR JAIL," and shows that she owed \$785.00. Judge Gerds did not make any inquiry into Ms. Knight's ability to pay prior to imposing the sentence.

Further affiant saith not.

Dated: July 7, 2015


Andrew Sullivan

Sworn and subscribed to me this 7th day of July, 2015.



BRENDA BOVE
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 3, 2020
ACTING IN COUNTY OF *Wayne*

Notary Public, Wayne County, MI

My commission expires: *11-3-20*

EXHIBIT M

Michigan Courts

One Court of Justice

Header Information

STATE OF MICHIGAN	REGISTER OF ACTIONS	CASE NO: 14EA08224 D01 OM
38TH JUDICIAL DISTRICT		X-REFERENCE #: 14-25063
ORI500065J		STATUS: CLSD 01/09/15
PIN: 14-25063		

JUDGE OF RECORD: GERDS, CARL F., III P-27221

JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

BROWN/DAR-SHAWN/ROMAN

19533 PELKEY

DETROIT MI 48205

CTN:

TCN: F314339002W

SID:

ENTRY DATE: 12/05/14

OFFENSE DATE: 12/05/14 200 AM

VEHICLE TYPE:

VPN:

VEH YR: VEH MAKE:

VIN:

PAPER PLATE:

DEFENSE ATTORNEY ADDRESS

BAR NO.

GERLACH, JOHN E. F.,

P-42785

APPOINTED

24220 JEFFERSON AVE

Telephone No.

STE A

(586) 778-8480

SAINT CLAIR SHOR MI 48080

OFFICER: HOFER/NICHOLAS

DEPT: EASTPOINTE POLICE DEPARTM

PROSECUTOR:

VENUE: CITY OF EASTPOINTE

Charges

COUNT 1 C/M/F: M 0122

ORD#664.03(5)

URINATE IN PUBLIC

ARRAIGNMENT DATE: 12/05/14 PLEA: PLEAD GUILTY PLEA DATE: 12/16/14

FINDINGS: DSP GLTY PL DISPOSITION DATE: 12/16/14

SENTENCING DATE: 01/09/15

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
153.00	0.00	50.00	0.00	235.00	0.00	438.00	0.00

JAIL SENTENCE: 30 DAYS PROBATION:

VEH IMMOB START DATE:

NUMBER OF DAYS:

VEH FORFEITURE:

BOND HISTORY:

1,250.00 SURETY BOND POSTED

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
12/05/14		
	FILING DATE 120514	KMH
1	ORIGINAL CHARGE URINATE PUB	KMH
	ORDINANCE FINE & COSTS \$ 153.00	KMH
	BLD2 \$ 10.00	KMH
	STATE COSTS - MISDEMEANOR/ORDINANCE \$ 50.00	KMH
	CRIME VICTIM RIGHTS ASSESSMENT \$ 75.00	KMH
	SCHEDULED FOR ARRAIGNMENT 120514 800A GERDS, CARL F., III P-27221	KMH

ARRAIGNMENT HELD ALL COUNTS CMB
 JDG GERDS,CARL F.,III P-27221 CMB
 NOT GUILTY ENTERED BY COURT CMB
 SCHEDULED FOR PRE-TRIAL 121614 800A GERDS,CARL F.,III P-27221 CMB
 CASH/SURETY/10% CASH CMB
 BOND SET \$ 5000.00 CMB
 PETITION FOR COURT APPOINTED ATTORNEY FILED CMB
 APPOINT ATTORNEY CMB

1 PRETRIAL RELEASE/CUSTODY GENERATED-IN CUSTODY
 URINATE PUB CMB
 BAIL BOND GENERATED URINATE PUB MHH
 MISCELLANEOUS ACTION URINATE PUB MHH
 SURETY MHH
 BOND POSTED \$ 1250.00 MHH
 SURETY BOND POSTED ALWAYS QUICK BAIL BONDS PO BOX 616 EASTPOINTE,MI MHH

12/06/14

1 MISCELLANEOUS ACTION URINATE PUB KMH
 ATT GERLACH,JOHN E. F., P-42785 KMH
 NOTICE TO APPEAR GENERATED
 URINATE PUB KMH

12/16/14

1 PRE-TRIAL HELD URINATE PUB CMB
 JDG GERDS,CARL F.,III P-27221 CMB
 PLEAD GUILTY CMB
 DISPOSED ON GUILTY PLEA CMB
 SENTENCE \$ 288.00 CMB
 *** NEEDS TO BE SENTENCED *** CMB
 DELAYED SENTENCE UNDER STATUTE 771.1 CMB
 MISCELLANEOUS ACTION URINATE PUB CMB
 SCHEDULED FOR SENTENCING 010915 800A GERDS,CARL F.,III P-27221 CMB
 1 NOTICE TO APPEAR GENERATED
 URINATE PUB CMB

01/09/15

1 SENTENCE HEARING HELD URINATE PUB CMB
 JDG GERDS,CARL F.,III P-27221 CMB
 SUPPLEMENTAL SENTENCING \$ 150.00 CMB
 ATTORNEY FEES \$ 150.00 CMB
 JAIL TERM 030D CMB
 COMMITTED CMB
 MACOMB COUNTY JAIL CMB
 MONEY OR JAIL CMB
 JUDGMENT OF SENTENCE GENERATED
 URINATE PUB CMB
 MONETARY TRANSACTION URINATE PUB MHH
 PAYMENT \$ 438.00 D328623 MHH
 1 CASH TENDERED MHH
 CASE CLOSED MHH

***** END OF REGISTER OF ACTIONS ***** 07/07/15 14:12

EXHIBIT N

Michigan Courts One Court of Justice

New Search | Name List | Disconnect

Case #: 14EA08202D Case Type: OT Case Status: CLSD

Header Information

STATE OF MICHIGAN	CASE NO: 14EA08202D D01 OT
38TH JUDICIAL DISTRICT REGISTER OF ACTIONS	X-REFERENCE #: 14-24987
ORIS00065J	STATUS: CLSD 01/09/15
PIN: 14-24987	

JUDGE OF RECORD: GERDS, CARL F., III P-27221
 JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

WILLIAMS/HARVEY/
 15601 E STATE FAIR ST
 DETROIT MI 48205

CTN:
 TCN: F314337008A
 SID:

ENTRY DATE: 12/04/14
 OFFENSE DATE: 12/03/14 1044 PM

VEHICLE TYPE: PA VPN: MI CMQ3789 15

VEH YR: 1997 VEH MAKE: FORD VIN: 1FMDU34E7VZC19162 PAPER PLATE: X

DEFENSE ATTORNEY ADDRESS

BAR NO.

ZALEWSKI, PAUL J.,
 29199 RYAN RD

P-61693 APPOINTED

WARREN MI 48092
 OFFICER: PIRO/J

Telephone No.
 (586) 573-8900

DEPT: EASTPOINTE POLICE DEPARTM

PROSECUTOR:

VENUE: CITY OF EASTPOINTE

Charges

COUNT 1 C/M/F: M 3200

ORD#424.01

DROVE WHILE LICENSE SUSP / REV / DENIED

ARRAIGNMENT DATE: 12/04/14 PLEA: PLEAD GUILTY PLEA DATE: 12/17/14

FINDINGS: DSP GLTY PL DISPOSITION DATE: 12/17/14

SENTENCING DATE: 01/09/15

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
500.00	290.00	50.00	0.00	235.00	0.00	1075.00	0.00

JAIL SENTENCE: 90 DAYS PROBATION:

VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

BOND HISTORY:

2,500.00 SURETY BOND POSTED

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
12/03/14		
1	ORIGINAL CHARGE DROVE S/R/D	KMH
	ORDINANCE FINE & COSTS	KMH
	SCHEDULED FOR ARRAIGNMENT 120414 800A GERDS, CARL F., III P-27221	KMH
12/04/14		
	FILING DATE 120414	KMH
	ARRAIGNMENT HELD ALL COUNTS	PB
	JDG GERDS, CARL F., III P-27221	PB
	NOT GUILTY ENTERED BY COURT	PB

SCHEDULED FOR PRE-TRIAL 121714 100P GERDS,CARL F.,III P-27221 PB
 CASH/SURETY/10% CASH PB
 BOND SET PB
 COMMITTED PB
 PETITION FOR COURT APPOINTED ATTORNEY FILED PB
 APPOINT ATTORNEY PB
 MISCELLANEOUS ACTION ALL COUNTS PB
 CASH/SURETY/10% CASH PB
 BOND SET \$ 10000.00 PB
 1 PRETRIAL RELEASE/CUSTODY GENERATED-IN CUSTODY PB
 DROVE S/R/D

12/05/14
 1 BAIL BOND GENERATED DROVE S/R/D ALJ
 MISCELLANEOUS ACTION ALL COUNTS ALJ
 SURETY ALJ
 BOND POSTED \$ 2500.00 120514 ALJ
 SURETY BOND POSTED ALWAYS QUICK BAIL BONDS PO BOX 616 EASTPOINTE,MI ALJ

12/06/14
 MISCELLANEOUS ACTION ALL COUNTS KMH
 ATT ZALEWSKI,PAUL J., P-61693 KMH
 NOTICE TO APPEAR GENERATED
 ALL COUNTS KMH

12/17/14
 PRE-TRIAL HELD ALL COUNTS CMB
 JDG GERDS,CARL F.,III P-27221 CMB
 PLEAD GUILTY CMB
 DISPOSED ON GUILTY PLEA CMB
 1 NOTICE OF ADJUDICATION GENERATED
 DROVE S/R/D CMB
 PROCEEDING HELD DROVE S/R/D CMB
 SCHEDULED FOR SENTENCING 010915 800A GERDS,CARL F.,III P-27221 CMB
 1 NOTICE TO APPEAR GENERATED
 DROVE S/R/D CMB

12/18/14
 1 ABSTRACT GENERATED SEQ: 00040 CMB

01/09/15
 1 SENTENCE HEARING HELD DROVE S/R/D CMB
 JDG GERDS,CARL F.,III P-27221 CMB
 SUPPLEMENTAL SENTENCING \$ 1075.00 CMB
 ORDINANCE FINE & COSTS \$ 500.00 CMB
 STATE COSTS - MISDEMEANOR/ORDINANCE \$ 50.00 CMB
 ATTORNEY FEES \$ 150.00 CMB
 COURT COST-LOCAL ORDINANCE CRIMINAL \$ 290.00 CMB
 CRIME VICTIM RIGHTS ASSESSMENT \$ 75.00 CMB
 BLD2 \$ 10.00 CMB
 JAIL TERM 090D CMB
 COMMITTED CMB
 MACOMB COUNTY JAIL CMB
 SENTENCE CMB
 JUDGMENT OF SENTENCE GENERATED
 DROVE S/R/D CMB
 PARTIAL PAYMENT MADE DROVE S/R/D MHH
 PAYMENT \$ 850.00 D328603 MHH
 CASH TENDERED \$ 850.00 D328603 MHH
 MONEY OR JAIL CMB
 1 MONETARY TRANSACTION DROVE S/R/D ALJ
 PAYMENT \$ 225.00 D159338 ALJ
 1 CASH TENDERED ALJ
 CASE CLOSED ALJ

***** END OF REGISTER OF ACTIONS ***** 07/07/15 14:11

[New Search](#) [Name List](#) [Go to Top](#)

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New Search | Name List | Disconnect

Case #: 14EA08202E | Case Type: OM | Case Status: CLSD

Header Information

STATE OF MICHIGAN	CASE NO: 14EA08202E D01 OM
38TH JUDICIAL DISTRICT	REGISTER OF ACTIONS
ORIS00065J	X-REFERENCE #: 14-24987
PIN: 14-24987	STATUS: CLSD 01/09/15

JUDGE OF RECORD: GERDS, CARL F., III P-27221
 JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

WILLIAMS/HARVEY/
 15601 E STATE FAIR ST
 DETROIT MI 48205

CTN:
 TCN: F314337008A
 SID:

ENTRY DATE: 12/04/14
 OFFENSE DATE: 12/03/14 1044 PM

VEHICLE TYPE: PA VP: MI CMQ3789 15

VEH YR: 1997 VEH MAKE: FORD VIN:
 DEFENSE ATTORNEY ADDRESS
 ZALEWSKI, PAUL J.,
 29199 RYAN RD
 WARREN MI 48092
 OFFICER: PIRO/J

PAPER PLATE:
 BAR NO.
 P-61693 APPOINTED
 Telephone No.
 (586) 573-8900
 DEPT: EASTPOINTE POLICE DEPARTM
 VENUE: CITY OF EASTPOINTE

PROSECUTOR:

Charges

COUNT 1 C/M/F: M 0102
 DISORDERLY PERSON
 REDUCED FROM

ORD#664.03

COUNT 1 C/M/F: M 0126
 OPEN INTOXICANTS IN MOTOR VEHICLE

ORD#608.07

ARRAIGNMENT DATE: 12/04/14 PLEA: PLEAD GUILTY PLEA DATE: 12/17/14
 FINDINGS: DSP GLTY PL DISPOSITION DATE: 12/17/14
 SENTENCING DATE: 01/09/15

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
250.00	240.00	50.00	0.00	10.00	0.00	550.00	0.00

JAIL SENTENCE: 30 DAYS PROBATION:
 VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
12/03/14		
1	ORIGINAL CHARGE OPEN INTOX	KMH
	ORDINANCE FINE & COSTS	KMH
	SCHEDULED FOR ARRAIGNMENT 120414 800A GERDS, CARL F., III P-27221	KMH
12/04/14		
	FILING DATE 120414	KMH
	ARRAIGNMENT HELD ALL COUNTS	PB
	JDG GERDS, CARL F., III P-27221	PB

SCHEDULED FOR PRE-TRIAL 121714 100P GERDS,CARL F.,III P-27221 PB
12/06/14
MISCELLANEOUS ACTION ALL COUNTS KMH
ATT ZALEWSKI,PAUL J., P-61693 KMH
12/17/14
1 PRE-TRIAL HELD OPEN INTOX CMB
JDG GERDS,CARL F.,III P-27221 CMB
REDUCED CHARGE DISORDERLY CMB
PLEAD GUILTY CMB
DISPOSED ON GUILTY PLEA CMB
MISCELLANEOUS ACTION DISORDERLY CMB
SCHEDULED FOR SENTENCING 010915 800A GERDS,CARL F.,III P-27221 CMB
01/09/15
1 SENTENCE HEARING HELD DISORDERLY CMB
JDG GERDS,CARL F.,III P-27221 CMB
SUPPLEMENTAL SENTENCING \$ 550.00 CMB
ORDINANCE FINE & COSTS \$ 250.00 CMB
STATE COSTS - MISDEMEANOR/ORDINANCE \$ 50.00 CMB
COURT COST-LOCAL ORDINANCE CRIMINAL \$ 240.00 CMB
BLD2 \$ 10.00 CMB
JAIL TERM 030D CMB
COMMITTED CMB
MACOMB COUNTY JAIL CMB
SENTENCE CMB
JUDGMENT OF SENTENCE GENERATED
DISORDERLY CMB
MONETARY TRANSACTION DISORDERLY MHH
PAYMENT \$ 550.00 D328602 MHH
CASE CLOSED MHH

***** END OF REGISTER OF ACTIONS ***** 07/07/15 14:11

EXHIBIT O



Michigan Courts
One Court of Justice

New Search | Name List | Disconnect

Case #: 14EA08673A | Case Type: OT | Case Status: CLSD

Header Information

STATE OF MICHIGAN	CASE NO: 14EA08673A D01 OT
38TH JUDICIAL DISTRICT	REGISTER OF ACTIONS
ORIS00065J	X-REFERENCE #: 14-26488
PIN: 14-26488	STATUS: CLSD 02/20/15

JUDGE OF RECORD: GERDS, CARL F., III P-27221

JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

CALLAWAY/NOEL/THOMAS
24661 S ELDA CT APT 52
HARRISON TOWNSHI MI 48045

CTN:

TCN: F314362002J

SID:

ENTRY DATE: 12/29/14

OFFENSE DATE: 12/28/14 258 AM

VEHICLE TYPE: PA VPN: MI DDY6381 14

PAPER PLATE:

VEH YR: 2002 VEH MAKE: DODG VIN:

BAR NO.

DEFENSE ATTORNEY ADDRESS

P-65756 APPOINTED

FREERS, DANA C.,

Telephone No.

17757 E 14 MILE RD

(586) 795-4150

FRASER MI 48026

OFFICER: FLANNERY

DEPT: EASTPOINTE POLICE DEPARTM

PROSECUTOR: PROKOPEC, DAWN M.,

P-65638

VENUE: CITY OF EASTPOINTE

Charges

COUNT 1 C/M/F: M 3000P-L ORD#424.01

FAIL TO DISPLAY A VALID LICENSE

REDUCED FROM

COUNT 1 C/M/F: M 3200 ORD#424.01

DROVE WHILE LICENSE SUSP / REV / DENIED

ARRAIGNMENT DATE: 01/09/15 PLEA: PLEAD GUILTY PLEA DATE: 01/30/15

FINDINGS: DSP GLTY PL DISPOSITION DATE: 01/30/15

SENTENCING DATE: 02/20/15

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
142.50	142.50	50.00	0.00	255.00	0.00	590.00	0.00

JAIL SENTENCE: 30 DAYS PROBATION:

VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

BOND HISTORY:

RCPT DT	NO.	ACTION	TYPE	CHECK	AMOUNT	STAT	CLRK
12/29/14	D328276	12/29/14	INTERIM		200.00	CLSD	MHH
		2/20/15	BND APPLIED	94826	200.00		MHH

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
12/28/14		
1	ORIGINAL CHARGE DROVE S/R/D	KMH
	ORDINANCE FINE & COSTS	KMH
	SCHEDULED FOR ARRAIGNMENT 010915 800A GERDS, CARL F., III P-27221	KMH

12/29/14
 FILING DATE 122914 KMH
 1 MONETARY TRANSACTION DROVE S/R/D MHH
 INTERIM \$ 200.00 MHH
 BOND POSTED \$ 200.00 D328276 MHH
 1 CASH TENDERED MHH

01/09/15
 1 ARRAIGNMENT HELD DROVE S/R/D CMB
 JDG GERDS,CARL F.,III P-27221 CMB
 NOT GUILTY ENTERED BY COURT CMB
 SCHEDULED FOR PRE-TRIAL 013015 800A GERDS,CARL F.,III P-27221 CMB
 PETITION FOR COURT APPOINTED ATTORNEY FILED CMB
 APPOINT ATTORNEY CMB
 1 NOTICE TO APPEAR GENERATED
 DROVE S/R/D CMB

01/12/15
 MISCELLANEOUS ACTION ALL COUNTS KMH
 ATT FREERS,DANA C., P-65756 KMH
 NOTICE TO APPEAR GENERATED
 ALL COUNTS KMH

01/30/15
 1 PLEA HEARING HELD DROVE S/R/D AAS
 JDG GERDS,CARL F.,III P-27221 AAS
 REDUCED CHARGE FAIL TO AAS
 PLEAD GUILTY AAS
 DISPOSED ON GUILTY PLEA AAS
 SENTENCE \$ 420.00 AAS
 PER PLEA AAS
 CRIME VICTIM RIGHTS ASSESSMENT \$ 75.00 AAS
 STATE COSTS - MISDEMEANOR/ORDINANCE \$ 50.00 AAS
 BLD2 \$ 10.00 AAS
 COURT COST-LOCAL ORDINANCE CRIMINAL \$ 142.50 AAS
 ORDINANCE FINE & COSTS \$ 142.50 AAS
 MISCELLANEOUS ACTION FAIL TO AAS
 PROS PROKOPEC,DAWN M., P-65638 AAS
 SCHEDULED FOR SENTENCING 022015 800A GERDS,CARL F.,III P-27221 AAS
 NEXT PROCEEDING NOTICE GIVEN IN COURT AAS
 1 NOTICE TO APPEAR GENERATED
 FAIL TO AAS

02/03/15
 1 ABSTRACT GENERATED SEQ: 00027 AAS

02/20/15
 1 SENTENCE HEARING HELD FAIL TO CMB
 SUPPLEMENTAL SENTENCING \$ 170.00 CMB
 APPLY DEFTS BOND CMB
 BOND COSTS \$ 20.00 CMB
 ATTORNEY FEES \$ 150.00 CMB
 JAIL TERM 030D CMB
 COMMITTED CMB
 MACOMB COUNTY JAIL CMB
 JUDGMENT OF SENTENCE GENERATED
 FAIL TO CMB
 MONEY OR JAIL CMB
 MONETARY TRANSACTION FAIL TO MHH
 13670893 MHH
 PAYMENT \$ 590.00 D330024 MHH
 1 OTHER PAYMENT TENDERED MHH
 CREDIT CARD TENDERED MHH
 CASE CLOSED MHH

***** END OF REGISTER OF ACTIONS ***** 07/07/15 14:03

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EXHIBIT P



New Search | Name List | Disconnect

Case #: 13EA01114 | Case Type: OJ | Case Status: CLSD

Header Information

STATE OF MICHIGAN	CASE NO: 13EA01114 D01 OI
38TH JUDICIAL DISTRICT	REGISTER OF ACTIONS
ORIS00065J	STATUS: CLSD 02/20/15
PIN: 13-0003346	

JUDGE OF RECORD: GERDS, CARL F., III P-27221
 JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

JONES/TORY/CHICO
 10370 BERKSHIRE ST
 DETROIT MI 48224

CTN:
 TCN:
 SID:

ENTRY DATE: 02/25/13
 OFFENSE DATE: 02/25/13 241 AM

VEHICLE TYPE: PA VP: MI CJL8418 13

VEH YR: 1997 VEH MAKE:
 OFFICER: KOENIGSMANN/ROBERT

VIN: PAPER PLATE:

DEPT: EASTPOINTE POLICE DEPARTM

PROSECUTOR:

VENUE: CITY OF EASTPOINTE

Charges

COUNT 1 C/M/F: C 2440

ORD#424.01

DISOBEY TRAFFIC SIGNAL / RED LIGHT

ARRAIGNMENT DATE:

PLEA:

PLEA DATE:

FINDINGS: DEFAULT JGMT DISPOSITION DATE: 04/05/13

SENTENCING DATE: 04/05/13

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
80.00	64.00	40.00	0.00	202.00	0.00	386.00	0.00

JAIL SENTENCE: 30 DAYS PROBATION:

VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

BOND HISTORY:

RCPT DT	NO.	ACTION	TYPE	CHECK	AMOUNT	STAT	CLRK
1/23/15	D159872	1/23/15	10% DEPOSIT		520.00	CLSD	TLW
3RD PTY DEPOSITOR: COLSON-WILLIS/JEMICA							
		2/20/15	BND APPLIED	94826	386.00		MHH
		2/20/15	BND REFUNDED	94824	134.00		MHH

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
02/25/13	FILING DATE 022513	TLW
1	ORIGINAL CHARGE DISOBEY TRAF	TLW
	ORDINANCE FINE & COSTS \$ 80.00	TLW
	STATE COSTS - TRAFFIC CIVIL INFRACTION \$ 40.00	TLW
	BLD1 \$ 5.00	TLW
	SCHEDULED FOR INFORMAL HEARING	
	040213 800A GERDS, CARL F., III P-27221	TLW

04/05/13

1	DEFAULT JUDGMENT GENERATED					
	DISOBEY TRAF					
	PENALTY ADDED-ORDINANCE	DISOBEY TRAF	\$	25.00		
04/08/13						
1	DEFAULT ABSTRACT GENERATED					
	SEQ: 00021					
05/06/13						
1	14 DAY NOTICE GENERATED	DISOBEY TRAF				
05/20/13						
1	DRIVERS LICENSE REINSTATEMENT FEE (SOS)					
	DISOBEY TRAF		\$	25.00		
	SOS FEE/JUROR COMPENSATION					
	DISOBEY TRAF		\$	20.00		
	FAC/FCJ/FCPV NOTICE GENERATED					
	DISOBEY TRAF					
05/29/13						
1	20% LATE PENALTY	DISOBEY TRAF	\$	39.00		
07/10/13						
1	MISCELLANEOUS ACTION	DISOBEY TRAF				KMV
	SUPPLEMENTAL SENTENCING		\$	25.00		KMV
	SHOW CAUSE FEE		\$	25.00		KMV
	MISCELLANEOUS ACTION	DISOBEY TRAF				KMV
	SUPPLEMENTAL SENTENCING					KMV
	MISCELLANEOUS ACTION	DISOBEY TRAF				KMV
	SCHEDULED FOR SHOWCAUSE HEARING					
	072213 100P GERDS,CARL F.,III	P-27221				KMV
1	ORDER TO SHOW CAUSE GENERATED-UPDATED SHOWCAUSE FLAG					
	DISOBEY TRAF					KMV
	YOU ARE ORDERED TO SHOW CAUSE WHY YOU					KMV
	SHOULD NOT BE HELD IN CRIMINAL CONTEMPT OF					KMV
	COURT					KMV
07/23/13						
1	MISCELLANEOUS ACTION	DISOBEY TRAF				CWG
	SUPPLEMENTAL SENTENCING		\$	75.00		CWG
	WARRANT FEE		\$	75.00		CWG
	MISCELLANEOUS ACTION	DISOBEY TRAF				CWG
	CASH/SURETY/10% CASH					CWG
	BOND SET		\$	5200.00	072313	CWG
1	MOTION, AFFIDAVIT & BENCH WARRANT GENERATED					
	DISOBEY TRAF					CWG
	CONTEMPT/FAIL TO APPEAR					CWG
	CONTEMPT/FOLLOWING REASONS					CWG
	FCJ / RED LIGHT VIO / FTA ON					CWG
	SHOWCAUSE DATE					CWG
	WARRANT ENTRY REQUESTED 72313 311P					CWG
	SYSDNO (20:) GENERATED BY LEIN					
	43828751					CWG
	WARRANT ENTERED INTO LEIN					CWG
01/20/15						
	MISCELLANEOUS ACTION	ALL COUNTS				WFL
	WARRANT CANCELED FROM LEIN					WFL
01/23/15						
1	MISCELLANEOUS ACTION	DISOBEY TRAF				TLW
	SCHEDULED FOR SHOWCAUSE HEARING					
	022015 800A GERDS,CARL F.,III	P-27221				TLW
1	BAIL BOND GENERATED	DISOBEY TRAF				TLW
	MONETARY TRANSACTION	DISOBEY TRAF				TLW
	10% DEPOSIT		\$	520.00		TLW
	BOND POSTED		\$	520.00	D159872	TLW
1	CHECK TENDERED	320047				TLW
	NOTICE TO APPEAR GENERATED					
	DISOBEY TRAF					TLW
	MAIL LOG - TRANSACTION RECONCILED		\$	520.00		AAS
02/20/15						
1	HEARING HELD FOR CONTEMPT OF COURT					

	DISOBEY TRAF			CMB
JDG GERDS,CARL F.,III			P-27221	CMB
SUPPLEMENTAL SENTENCING				CMB
PLEAD TO CONTEMPT				CMB
MONEY OR JAIL				CMB
JAIL TERM	0300			CMB
COMMITTED				CMB
MACOMB COUNTY JAIL				CMB
JUDGMENT OF SENTENCE GENERATED				
	DISOBEY TRAF			CMB
MISCELLANEOUS ACTION	ALL COUNTS			MHH
SUPPLEMENTAL SENTENCING		\$ 52.00		MHH
BOND COSTS		\$ 52.00		MHH
1 MONETARY TRANSACTION	DISOBEY TRAF			MHH
PAYMENT		\$ 386.00	D330021	MHH
1 OTHER PAYMENT TENDERED				MHH
CASE CLOSED				MHH
1 SOS CLEARANCE REQUESTED	22015 1001A			D3
FAC/FCJ/FCPV CLEARANCE PRINTED				
	22015 1001A			D3
SOS CLEARANCE ACCEPTED	22015 1001A			SOS

***** END OF REGISTER OF ACTIONS ***** 07/08/15 09:58

EXHIBIT Q



New Search | Name List | Disconnect

Case #: 15EA02689B | Case Type: OT | Case Status: CLSD

Header Information

STATE OF MICHIGAN		CASE NO: 15EA02689B D01 OT
38TH JUDICIAL DISTRICT	REGISTER OF ACTIONS	X-REFERENCE #: 15-07870
ORI500065J		STATUS: CLSD 05/29/15
PIN: 15-07870		

JUDGE OF RECORD: GERDS, CARL F., III P-27221
 JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

FUQUA/TERRANCE/DION
 31740 FRASER DR APT 206
 FRASER MI 48026

CTN:
 TCN: F315120001X
 SID:
 ENTRY DATE: 04/30/15
 OFFENSE DATE: 04/30/15 141 AM

VEH YR: 2006 VEH MAKE: KIA VIN:
 DEFENSE ATTORNEY ADDRESS
 BOWDEN, JAMES T.,
 126 S MAIN ST
 MOUNT CLEMENS MI 48043
 OFFICER: GROVER

VEHICLE TYPE: PA VP: MI E304 15
 PAPER PLATE:
 BAR NO.
 P-67720 APPOINTED
 Telephone No.
 (586) 690-8252
 DEPT: EASTPOINTE POLICE DEPARTM
 VENUE: CITY OF EASTPOINTE

PROSECUTOR:

Charges

COUNT 1 C/M/F: M 3000P-L ORD#424.01
 FAIL TO DISPLAY A VALID LICENSE
 REDUCED FROM
 COUNT 1 C/M/F: M 3200 ORD#424.01
 DROVE WHILE LICENSE SUSP / REV / DENIED
 ARRAIGNMENT DATE: 04/30/15 PLEA: PLEAD GUILTY PLEA DATE: 05/29/15
 FINDINGS: DSP GLTY PL DISPOSITION DATE: 05/29/15
 SENTENCING DATE: 05/29/15

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
142.50	142.50	50.00	0.00	285.00	0.00	620.00	0.00

JAIL SENTENCE: 45 DAYS PROBATION:

VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

BOND HISTORY:

RCPT DT	NO.	ACTION	TYPE	CHECK	AMOUNT	STAT	CLRK
5/01/15	D332205	5/01/15	10% DEPOSIT		500.00	CLSD	TLW
3RD PTY DEPOSITOR: HALT/CAROLYN/JANE							
		5/29/15	BND APPLIED	95066	500.00		MHH

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
04/30/15		
	FILING DATE	KMH
1	ORIGINAL CHARGE	DROVE S/R/D

ORDINANCE FINE & COSTS					KMH
SCHEDULED FOR ARRAIGNMENT	043015	800A	GERDS,CARL F.,III	P-27221	KMH
ARRAIGNMENT HELD	ALL COUNTS				CMB
JDG GERDS,CARL F.,III				P-27221	CMB
NOT GUILTY ENTERED BY COURT					CMB
SCHEDULED FOR PRE-TRIAL	052915	800A	GERDS,CARL F.,III	P-27221	CMB
CASH/SURETY/10% CASH					CMB
BOND SET			\$ 5000.00		CMB
PETITION FOR COURT APPOINTED ATTORNEY FILED					CMB
APPOINT ATTORNEY					CMB
1 PRETRIAL RELEASE/CUSTODY GENERATED-IN CUSTODY					CMB
	DROVE S/R/D				
05/01/15					
1 BAIL BOND GENERATED	DROVE S/R/D				TLW
MONETARY TRANSACTION	DROVE S/R/D				TLW
10% DEPOSIT			\$ 500.00		TLW
BOND POSTED			\$ 500.00	D332205	TLW
1 CASH TENDERED					TLW
CREDIT CARD TENDERED					TLW
MISCELLANEOUS ACTION	DROVE S/R/D				KMH
ATT BOWDEN,JAMES T.,				P-67720	KMH
NOTICE TO APPEAR GENERATED					
	DROVE S/R/D				KMH
05/29/15					
1 PRE-TRIAL HELD	DROVE S/R/D				CMB
JDG GERDS,CARL F.,III				P-27221	CMB
REDUCED CHARGE	FAIL TO				CMB
PLEAD GUILTY					CMB
DISPOSED ON GUILTY PLEA					CMB
SENTENCE			\$ 420.00		CMB
CRIME VICTIM RIGHTS ASSESSMENT			\$ 75.00		CMB
STATE COSTS - MISDEMEANOR/ORDINANCE			\$ 50.00		CMB
BLD2			\$ 10.00		CMB
COURT COST-LOCAL ORDINANCE CRIMINAL			\$ 142.50		CMB
ORDINANCE FINE & COSTS			\$ 142.50		CMB
MISCELLANEOUS ACTION	FAIL TO				CMB
SUPPLEMENTAL SENTENCING			\$ 200.00		CMB
THIRD PARTY TO SIGN OVER BOND					CMB
BOND COSTS			\$ 50.00		CMB
ATTORNEY FEES			\$ 150.00		CMB
JAIL TERM		045D			CMB
COMMITTED					CMB
MACOMB COUNTY JAIL					CMB
JUDGMENT OF SENTENCE GENERATED					
	FAIL TO				CMB
MONEY OR JAIL					CMB
MONETARY TRANSACTION	FAIL TO				MHH
14346574					MHH
PAYMENT			\$ 620.00	D332991	MHH
1 OTHER PAYMENT TENDERED					MHH
CREDIT CARD TENDERED					MHH
CASE CLOSED					MHH
06/01/15					
1 ABSTRACT GENERATED		SEQ: 00023			CMB

***** END OF REGISTER OF ACTIONS ***** 07/07/15 14:08

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EXHIBIT R

Michigan Courts One Court of Justice

New Search | Name List | Disconnect

Case #: 15EA00823B | Case Type: OT | Case Status: CLSD

Header Information

STATE OF MICHIGAN	CASE NO: 15EA00823B D01 OT
38TH JUDICIAL DISTRICT	REGISTER OF ACTIONS
ORIS00065J	X-REFERENCE #: 15-02450
PIN: 15-02450	STATUS: CLSD 05/29/15

JUDGE OF RECORD: GERDS, CARL F., III P-27221
 JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

GRAYSON/LIEATRICE/NICOLE
 12608 PROMENADE ST
 DETROIT MI 48213

CTN:
 TCN: F315040002M
 SID:
 ENTRY DATE: 02/09/15
 OFFENSE DATE: 02/09/15 431 AM

VEHICLE TYPE: PA VIN: PAPER PLATE:
 VP: MI DCS6177 15

VEH YR: 2003 VEH MAKE: DODG
 DEFENSE ATTORNEY ADDRESS
 CAIN-TAYLOR COLEMAN, DELICIA A.
 615 GRISWOLD ST
 STE 1800
 DETROIT MI 48226
 OFFICER: WOOD/ANDREW

BAR NO.
 P-56278
 Telephone No.
 (313) 574-4607
 DEPT: EASTPOINTE POLICE DEPARTM
 P-57060
 VENUE: CITY OF EASTPOINTE

PROSECUTOR: ALBRIGHT, RICHARD S.

Charges

COUNT 1 C/M/F: M 3000P-L ORD#424.01
 FAIL TO DISPLAY A VALID LICENSE
 REDUCED FROM
 COUNT 1 C/M/F: M 3200 ORD#424.01
 DROVE WHILE LICENSE SUSP / REV / DENIED
 ARRAIGNMENT DATE: 02/09/15 PLEA: PLEAD GUILTY PLEA DATE: 05/29/15
 FINDINGS: DSP GLTY PL DISPOSITION DATE: 05/29/15
 SENTENCING DATE: 05/29/15

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
142.50	142.50	50.00	0.00	85.00	0.00	420.00	0.00

JAIL SENTENCE: 45 DAYS PROBATION:
 VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:
 BOND HISTORY:
 250.00 SURETY BOND POSTED

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
02/09/15	FILING DATE 020915	KMH
1	ORIGINAL CHARGE DROVE S/R/D	KMH
	ORDINANCE FINE & COSTS	KMH
	SCHEDULED FOR ARRAIGNMENT 020915 800A GERDS, CARL F., III P-27221	KMH

ARRAIGNMENT HELD	ALL COUNTS			CMB
JDG BROOKOVER, THOMAS W.			P-24039	CMB
NOT GUILTY ENTERED BY COURT				CMB
SCHEDULED FOR PRE-TRIAL	030315 800A	GERDS, CARL F., III	P-27221	CMB
CASH/SURETY/10% CASH				CMB
BOND SET		\$ 1000.00		CMB
PETITION FOR COURT APPOINTED ATTORNEY FILED				CMB
APPOINT ATTORNEY				CMB
1 PRETRIAL RELEASE/CUSTODY GENERATED-IN CUSTODY				
	DROVE S/R/D			CMB
02/11/15				
MISCELLANEOUS ACTION	ALL COUNTS			KMH
ATT DEMATTEIS, ANTHONY A			P-75315	KMH
NOTICE TO APPEAR GENERATED				
	ALL COUNTS			KMH
02/12/15				
MISCELLANEOUS ACTION	ALL COUNTS			KMH
SURETY				KMH
BOND POSTED		\$ 250.00	020915	KMH
SURETY POSTED YOU WALK BAIL BONDS 1442 BRUSH ST DETROIT, MI 48226				KMH
03/03/15				
1 PRE-TRIAL HELD	DROVE S/R/D			CMB
JDG GERDS, CARL F., III			P-27221	CMB
SCHEDULED FOR PRE-TRIAL	032415 800A	GERDS, CARL F., III	P-27221	CMB
1 NOTICE TO APPEAR GENERATED				
	DROVE S/R/D			CMB
DEFENDANT RETAINED COUNSEL				CMB
03/24/15				
MISCELLANEOUS ACTION	ALL COUNTS			KEH
ATT CAIN-TAYLOR COLEMAN			P-56278	KEH
REMOVED FROM CALENDAR	032415 800A	GERDS, CARL F., III	P-27221	KEH
SCHEDULED FOR PRE-TRIAL	041415 800A	GERDS, CARL F., III	P-27221	KEH
SUBSTITUTION ATT FILED				KEH
NOTICE TO APPEAR GENERATED				
	ALL COUNTS			KEH
04/14/15				
1 MISCELLANEOUS ACTION	DROVE S/R/D			KEH
PROS ALBRIGHT, RICHARD S.			P-57060	KEH
REMOVED FROM CALENDAR	041415 800A	GERDS, CARL F., III	P-27221	KEH
SCHEDULED FOR PRE-TRIAL	052915 800A	GERDS, CARL F., III	P-27221	KEH
1 NOTICE TO APPEAR GENERATED				
	DROVE S/R/D			KEH
05/29/15				
1 PRE-TRIAL HELD	DROVE S/R/D			CMB
JDG GERDS, CARL F., III			P-27221	CMB
REDUCED CHARGE	FAIL TO			CMB
PLEAD GUILTY				CMB
DISPOSED ON GUILTY PLEA				CMB
CRIME VICTIM RIGHTS ASSESSMENT		\$ 75.00		CMB
STATE COSTS - MISDEMEANOR/ORDINANCE		\$ 50.00		CMB
BLD2		\$ 10.00		CMB
COURT COST-LOCAL ORDINANCE CRIMINAL		\$ 142.50		CMB
ORDINANCE FINE & COSTS		\$ 142.50		CMB
SENTENCE				CMB
MISCELLANEOUS ACTION	FAIL TO			CMB
SUPPLEMENTAL SENTENCING				CMB
JAIL TERM		045D		CMB
COMMITTED				CMB
MACOMB COUNTY JAIL				CMB
JUDGMENT OF SENTENCE GENERATED				
	FAIL TO			CMB
MONEY OR JAIL				CMB
MONETARY TRANSACTION	FAIL TO			ALJ
PAYMENT		\$ 420.00	D164783	ALJ
1 CASH TENDERED				ALJ

CASE CLOSED
06/01/15

ALJ

1 ABSTRACT GENERATED SEQ: 00024

CMB

***** END OF REGISTER OF ACTIONS ***** 07/07/15 14:09

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EXHIBIT S

Michigan Courts
One Court of Justice

New Search | Name List | Disconnect

Case #: 15EA01534A | Case Type: OT | Case Status: CLSD

Header Information

STATE OF MICHIGAN	CASE NO: 15EA01534A D01 OT
38TH JUDICIAL DISTRICT REGISTER OF ACTIONS	X-REFERENCE #: 15-04376
ORI500065J	STATUS: CLSD 05/29/15
PIN: 15-04376	

JUDGE OF RECORD: GERDS, CARL F., III P-27221

JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

WADE/JUSTICE/SHANNON
22454 MAPLE LN
CLINTON TOWNSHIP MI 48035

CTN:

TCN:

SID:

ENTRY DATE: 03/10/15

OFFENSE DATE: 03/10/15 206 AM

VEHICLE TYPE: PA VP: MI EH54K 15

VEH YR: 2006 VEH MAKE: SATU VIN:

PAPER PLATE:

OFFICER: WOOD/ANDREW

DEPT: EASTPOINTE POLICE DEPARTM

PROSECUTOR:

VENUE: CITY OF EASTPOINTE

Charges

COUNT 1 C/M/F: M 3200

ORD#424.01

DROVE WHILE LICENSE SUSP / REV / DENIED

ARRAIGNMENT DATE: 05/29/15 PLEA: PLEAD GUILTY PLEA DATE: 05/29/15

FINDINGS: DSP GLTY PL DISPOSITION DATE: 05/29/15

SENTENCING DATE: 05/29/15

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
250.00	275.00	50.00	0.00	255.00	0.00	830.00	0.00

JAIL SENTENCE: 60 DAYS PROBATION:

VEH IMMOB START DATE:

NUMBER OF DAYS:

VEH FORFEITURE:

BOND HISTORY:

RCPT DT	NO.	ACTION	TYPE	CHECK	AMOUNT	STAT	CLRK
5/15/15	D332601	5/15/15	10% DEPOSIT		500.00	CLSD	MHH
		5/29/15	BND APPLIED	95066	500.00		MHH

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
03/10/15	FILING DATE 031015	KMH
1	ORIGINAL CHARGE DROVE S/R/D	KMH
	ORDINANCE FINE & COSTS	KMH
	SCHEDULED FOR ARRAIGNMENT 032415 800A GERDS, CARL F., III P-27221	KMH
	ORDER FOR FINGERPRINTS GENERATED	
	DROVE S/R/D	KMH
03/26/15	1 WARRANT NOTICE GENERATED DROVE S/R/D	
	WARRANT GENERATED DROVE S/R/D	
03/27/15		

1	PENALTY ADDED-ORDINANCE	DROVE S/R/D	\$	25.00		
03/31/15						
1	MISCELLANEOUS ACTION	DROVE S/R/D				CWG
	SUPPLEMENTAL SENTENCING		\$	75.00		CWG
	WARRANT FEE		\$	75.00		CWG
	MISCELLANEOUS ACTION	DROVE S/R/D				CWG
	CASH/SURETY/10% CASH					CWG
	BOND SET		\$	5000.00	033115	CWG
1	MOTION, AFFIDAVIT & BENCH WARRANT GENERATED					
		DROVE S/R/D				CWG
	CONTEMPT/FAIL TO APPEAR					CWG
	CONTEMPT/FOLLOWING REASONS					CWG
	FAC / DWLS / EXP PLATE / FTA ON					CWG
	COURTDATE					CWG
04/01/15						
	WARRANT ENTRY REQUESTED	40115 1047A				CWG
	SYSIDNO (20:) GENERATED BY LEIN					
		44861732				CWG
	WARRANT ENTERED INTO LEIN					CWG
04/23/15						
1	14 DAY NOTICE GENERATED	DROVE S/R/D				
05/11/15						
1	DRIVERS LICENSE REINSTATEMENT FEE (SOS)					
		DROVE S/R/D	\$	25.00		
	SOS FEE/JUROR COMPENSATION					
		DROVE S/R/D	\$	20.00		
	FAC/FCJ/FCPV NOTICE GENERATED					
		DROVE S/R/D				
05/15/15						
	MISCELLANEOUS ACTION	ALL COUNTS				MHH
	SCHEDULED FOR ARRAIGNMENT	052915 800A	GERDS,CARL F.,III	P-27221		MHH
1	BAIL BOND GENERATED	DROVE S/R/D				MHH
	WARRANT CANCELLATION REQUESTED					
		51515 1237P				MHH
	WARRANT CANCELLATION ACCEPTED					
		51515 1237P				MHH
	WARRANT CANCELED FROM LEIN					MHH
1	MONETARY TRANSACTION	DROVE S/R/D				MHH
	10% DEPOSIT		\$	500.00		MHH
	BOND POSTED		\$	500.00	D332601	MHH
1	CASH TENDERED					MHH
05/29/15						
1	ARRAIGNMENT HELD	DROVE S/R/D				CMB
	JDG GERDS,CARL F.,III				P-27221	CMB
	PLEAD GUILTY					CMB
	DISPOSED ON GUILTY PLEA					CMB
	SENTENCE		\$	830.00		CMB
	APPLY DEFTS BOND					CMB
	BLD2		\$	10.00		CMB
	ORDINANCE FINE & COSTS		\$	250.00		CMB
	COURT COST-LOCAL ORDINANCE CRIMINAL		\$	250.00		CMB
	STATE COSTS - MISDEMEANOR/ORDINANCE		\$	50.00		CMB
	CRIME VICTIM RIGHTS ASSESSMENT		\$	75.00		CMB
	BOND COSTS		\$	50.00		CMB
	JAIL TERM	060D				CMB
	COMMITTED					CMB
	MACOMB COUNTY JAIL					CMB
	JUDGMENT OF SENTENCE GENERATED					
		DROVE S/R/D				CMB
	MONEY OR JAIL					CMB
	PARTIAL PAYMENT MADE	DROVE S/R/D				MHH
	PAYMENT		\$	500.00	D332988	MHH
1	OTHER PAYMENT TENDERED					MHH
	MONETARY TRANSACTION	DROVE S/R/D				MHH
	PAYMENT		\$	330.00	D333001	MHH

CASE CLOSED

MHH

1 SOS CLEARANCE REQUESTED 52915 1019A

D3

FAC/FCJ/FCPV CLEARANCE PRINTED

52915 1019A

D3

SOS CLEARANCE ACCEPTED 52915 1019A

SOS

CASH TENDERED 52915 1019A

MHH

06/01/15

1 ABSTRACT GENERATED SEQ: 00033

CMB

***** END OF REGISTER OF ACTIONS ***** 07/07/15 14:10

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Michigan Courts One Court of Justice

New Search | Name List | Disconnect

Case #: 15EA01534B | Case Type: OI | Case Status: CLSD

Header Information

STATE OF MICHIGAN	REGISTER OF ACTIONS	CASE NO: 15EA01534B D01 OI
38TH JUDICIAL DISTRICT		X-REFERENCE #: 15-04376
ORIS00065J		STATUS: CLSD 05/29/15
PIN: 15-04376		

JUDGE OF RECORD: GERDS, CARL F., III P-27221
 JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

WADE/JUSTICE/SHANNON
 22454 MAPLE LN
 CLINTON TOWNSHIP MI 48035

CTN:

TCN:

SID:

ENTRY DATE: 03/10/15

OFFENSE DATE: 03/10/15 206 AM

VEHICLE TYPE: PA VP: MI EH54K 15

PAPER PLATE:

VEH YR: 2006 VEH MAKE: SATU VIN:

DEPT: EASTPOINTE POLICE DEPARTM

OFFICER: WOOD/ANDREW

PROSECUTOR:

VENUE: CITY OF EASTPOINTE

Charges

COUNT 1 C/M/F: C 3511

ORD#424.01

EXPIRED PLATE

ARRAIGNMENT DATE:

PLEA:

PLEA DATE:

FINDINGS: DEFAULT JGMT DISPOSITION DATE: 03/27/15

SENTENCING DATE: 03/27/15

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
60.00	73.00	40.00	0.00	55.00	0.00	228.00	0.00

JAIL SENTENCE: 30 DAYS PROBATION:

VEH IMMOB START DATE:

NUMBER OF DAYS:

VEH FORFEITURE:

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
03/10/15	FILING DATE 031015	KMH
1	ORIGINAL CHARGE EXP PLATE	KMH
	ORDINANCE FINE & COSTS \$ 60.00	KMH
	STATE COSTS - TRAFFIC CIVIL INFRACTION \$ 40.00	KMH
	BLD1 \$ 10.00	KMH
	SCHEDULED FOR INFORMAL HEARING	
	032415 800A GERDS, CARL F., III P-27221	KMH
03/27/15	1 DEFAULT JUDGMENT GENERATED	
	EXP PLATE	
	PENALTY ADDED-ORDINANCE EXP PLATE \$ 35.00	
04/27/15	1 14 DAY NOTICE GENERATED EXP PLATE	
05/11/15		

1	DRIVERS LICENSE REINSTATEMENT FEE (SOS)					
		EXP PLATE	\$	25.00		
	SOS FEE/JUROR COMPENSATION					
		EXP PLATE	\$	20.00		
	FAC/FCJ/FCPV NOTICE GENERATED					
		EXP PLATE				
05/20/15						
1	20% LATE PENALTY	EXP PLATE	\$	38.00		
05/29/15						
1	HEARING HELD FOR CONTEMPT OF COURT					
		EXP PLATE				CMB
	JDG GERDS,CARL F.,III				P-27221	CMB
	SUPPLEMENTAL SENTENCING					CMB
	PLEAD TO CONTEMPT / MONEY OR JAIL					CMB
	JAIL TERM	030D				CMB
	COMMITTED					CMB
	MACOMB COUNTY JAIL					CMB
	JUDGMENT OF SENTENCE GENERATED					
		EXP PLATE				CMB
	MONETARY TRANSACTION	EXP PLATE				MHH
	PAYMENT		\$	228.00	D333000	MHH
	CASE CLOSED					MHH
1	SOS CLEARANCE REQUESTED	52915 1019A				D3
	FAC/FCJ/FCPV CLEARANCE PRINTED					
		52915 1019A				D3
	SOS CLEARANCE ACCEPTED	52915 1019A				SOS

***** END OF REGISTER OF ACTIONS ***** 07/07/15 14:10

EXHIBIT T



New Search | Name List | Disconnect

Case #: 15EA01510B | Case Type: OT | Case Status: CLSD

Header Information

STATE OF MICHIGAN		CASE NO: 15EA01510B D01 OT
38TH JUDICIAL DISTRICT	REGISTER OF ACTIONS	X-REFERENCE #: 15-04310
ORIS00065J		STATUS: CLSD 05/29/15
PIN: 15-04310		

JUDGE OF RECORD: GERDS, CARL F., III P-27221
 JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

BROWN/ALICIA/SHAWNTA
 20467 YONKA
 DETROIT MI 48234

CTN:
 TCN:
 SID:
 ENTRY DATE: 03/09/15
 OFFENSE DATE: 03/09/15 426 AM

VEHICLE TYPE: PA VIN: VP: MI DCE6987 15
 PAPER PLATE:

VEH YR: 2008 VEH MAKE: PONT
 DEFENSE ATTORNEY ADDRESS
 MACHERZAK, MICHAEL F.,
 8300 HALL RD
 STE 204
 UTICA MI 48317
 OFFICER: BARR/MARK

BAR NO. P-31172 APPOINTED
 Telephone No. (586) 206-4185
 DEPT: EASTPOINTE POLICE DEPARTM
 VENUE: CITY OF EASTPOINTE

PROSECUTOR:

Charges

COUNT 1 C/M/F: M 3280 ORD#424.01
 ALLOWED PERSON TO DRIVE IN VIOLATION OF VEHICLE CODE
 REDUCED FROM
 COUNT 1 C/M/F: M 3200 ORD#424.01
 DROVE WHILE LICENSE SUSP / REV / DENIED
 ARRAIGNMENT DATE: 04/03/15 PLEA: PLEAD GUILTY PLEA DATE: 04/24/15
 FINDINGS: DSP GLTY PL DISPOSITION DATE: 04/24/15
 SENTENCING DATE: 05/29/15

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
100.00	100.00	50.00	0.00	285.00	0.00	535.00	0.00

JAIL SENTENCE: 30 DAYS PROBATION:
 VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
03/09/15	FILING DATE 030915	KMH
1	ORIGINAL CHARGE DROVE S/R/D	KMH
	ORDINANCE FINE & COSTS	KMH
	SCHEDULED FOR ARRAIGNMENT 040315 800A GERDS, CARL F., III P-27221	KMH
	ORDER FOR FINGERPRINTS GENERATED	
	DROVE S/R/D	KMH

04/03/15

1 ARRAIGNMENT HELD DROVE S/R/D CMB
 JDG GERDS,CARL F.,III P-27221 CMB
 NOT GUILTY ENTERED BY COURT CMB
 SCHEDULED FOR PRE-TRIAL 042415 800A GERDS,CARL F.,III P-27221 CMB
 PETITION FOR COURT APPOINTED ATTORNEY FILED CMB
 APPOINT ATTORNEY CMB

1 NOTICE TO APPEAR GENERATED
 DROVE S/R/D CMB
 PREV. 26051 REGENCY CLUB LN 5 ALJ
 ADDR: WARREN MI 48089 ALJ
 MISCELLANEOUS ACTION ALL COUNTS KMH
 ATT MACHERZAK,MICHAEL F P-31172 KMH
 NOTICE TO APPEAR GENERATED
 ALL COUNTS KMH

04/24/15

1 PRE-TRIAL HELD DROVE S/R/D CMB
 JDG GERDS,CARL F.,III P-27221 CMB
 REDUCED CHARGE ALLOW DRV VI CMB
 PLEAD GUILTY CMB
 DISPOSED ON GUILTY PLEA CMB
 MISCELLANEOUS ACTION ALLOW DRV VI CMB
 SCHEDULED FOR SENTENCING 050615 100P GERDS,CARL F.,III P-27221 CMB

1 NOTICE TO APPEAR GENERATED
 ALLOW DRV VI CMB

05/06/15

PROCEEDING HELD ALL COUNTS CMB
 SCHEDULED FOR SENTENCING 052915 800A GERDS,CARL F.,III P-27221 CMB
 NOTICE TO APPEAR GENERATED
 ALL COUNTS CMB

05/29/15

1 SENTENCE HEARING HELD ALLOW DRV VI CMB
 JDG GERDS,CARL F.,III P-27221 CMB
 SUPPLEMENTAL SENTENCING \$ 535.00 CMB
 ORDINANCE FINE & COSTS \$ 100.00 CMB
 STATE COSTS - MISDEMEANOR/ORDINANCE \$ 50.00 CMB
 BLD2 \$ 10.00 CMB
 COURT COST-LOCAL ORDINANCE CRIMINAL \$ 100.00 CMB
 CRIME VICTIM RIGHTS ASSESSMENT \$ 75.00 CMB
 ATTORNEY FEES \$ 200.00 CMB
 JAIL TERM 030D CMB
 COMMITTED CMB
 MACOMB COUNTY JAIL CMB
 SENTENCE CMB
 JUDGMENT OF SENTENCE GENERATED
 ALLOW DRV VI CMB
 MONEY OR JAIL CMB
 MONETARY TRANSACTION ALLOW DRV VI MHH
 PAYMENT \$ 535.00 D332995 MHH
 CASE CLOSED MHH

***** END OF REGISTER OF ACTIONS ***** 07/07/15 14:04

EXHIBIT U



New Search | Name List | Disconnect

Case #: 14EA00880A | Case Type: OT | Case Status: CLSD

Header Information

STATE OF MICHIGAN		CASE NO: 14EA00880A D01 OT
38TH JUDICIAL DISTRICT	REGISTER OF ACTIONS	X-REFERENCE #: 14-0002213
ORIS00065J		STATUS: CLSD 05/29/15
PIN: 14-0002213		

JUDGE OF RECORD: GERDS, CARL F., III P-27221
JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

EVANS/VANESIA/LANETTE-DANIELLE
2032 COOPER
DETROIT MI 48213

CTN:

TCN:

SID:

ENTRY DATE: 02/03/14

OFFENSE DATE: 02/02/14 556 AM

VEHICLE TYPE: PA VPN: MI DAA9608 14

VEH YR: 2001 VEH MAKE:

VIN:

PAPER PLATE:

OFFICER: MENZER/JEFFREY

DEPT: EASTPOINTE POLICE DEPARTM

PROSECUTOR:

VENUE: CITY OF EASTPOINTE

Charges

COUNT 1 C/M/F: M 3000

ORD#424.01

FAIL TO DISPLAY A VALID LICENSE

ARRAIGNMENT DATE:

PLEA: PLEAD GUILTY PLEA DATE: 05/29/15

FINDINGS: DSP GLTY PL DISPOSITION DATE: 05/29/15

SENTENCING DATE: 05/29/15

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
100.00	25.00	50.00	0.00	205.00	0.00	380.00	0.00

JAIL SENTENCE: 60 DAYS PROBATION:

VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

BOND HISTORY:

2,300.00 SURETY BOND POSTED

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
02/02/14	1 ORIGINAL CHARGE FAIL TO DISP	TLW
	ORDINANCE FINE & COSTS \$ 100.00	TLW
	BLD2 \$ 10.00	TLW
	STATE COSTS - MISDEMEANOR/ORDINANCE \$ 50.00	TLW
	CRIME VICTIM RIGHTS ASSESSMENT \$ 75.00	TLW
	SCHEDULED FOR ARRAIGNMENT/PRE-TRIAL	
	020714 800A GERDS, CARL F., III P-27221	TLW
02/03/14	FILING DATE 020314	TLW
	NOTICE TO APPEAR GENERATED	
	ALL COUNTS	TLW
02/10/14		

1	WARRANT NOTICE GENERATED	FAIL TO DISP				
	WARRANT GENERATED	FAIL TO DISP				
	PENALTY ADDED-ORDINANCE	FAIL TO DISP	\$	25.00		
02/13/14						
	MISCELLANEOUS ACTION	ALL COUNTS				CWG
	LETTER RETURNED-UNABLE TO DELIVER					CWG
02/18/14						
	MISCELLANEOUS ACTION	ALL COUNTS				CWG
	SUPPLEMENTAL SENTENCING		\$	75.00		CWG
	WARRANT FEE		\$	75.00		CWG
	MISCELLANEOUS ACTION	ALL COUNTS				CWG
	CASH/SURETY/10% CASH					CWG
	BOND SET		\$	9200.00	021814	CWG
1	MOTION, AFFIDAVIT & BENCH WARRANT GENERATED					
		FAIL TO DISP				CWG
	CONTEMPT/FAIL TO APPEAR					CWG
	CONTEMPT/FOLLOWING REASONS					CWG
	FAC / FAIL TO DSPLY VAL LIC / NO					CWG
	PRF INS / DEF EQUIP / FTA ON COURTDAT					CWG
02/20/14						
	WARRANT ENTRY REQUESTED	22014 213P				CWG
	WARRANT REJECTED BY MSP, NOT ENTERED INTO LEIN					
		22014 213P				CWG
	WARRANT ENTRY REQUESTED	22014 243P				CWG
	WARRANT REJECTED BY MSP, NOT ENTERED INTO LEIN					
		22014 243P				CWG
	WARRANT ENTRY REQUESTED	22014 244P				CWG
	SYSIDNO (20:) GENERATED BY LEIN					
		44165418				CWG
	WARRANT ENTERED INTO LEIN					CWG
03/10/14						
1	14 DAY NOTICE GENERATED	FAIL TO DISP				
03/25/14						
1	DRIVERS LICENSE REINSTATEMENT FEE (SOS)					
		FAIL TO DISP	\$	25.00		
	SOS FEE/JUROR COMPENSATION					
		FAIL TO DISP	\$	20.00		
	FAC/FCJ/FCPV NOTICE GENERATED					
		FAIL TO DISP				
04/07/14						
	MISCELLANEOUS ACTION	ALL COUNTS				CWG
	POSTCARD RETURNED AS UNDELIVERABLE					CWG
05/05/15						
	MISCELLANEOUS ACTION	ALL COUNTS				CWG
	WARRANT CANCELED FROM LEIN					CWG
05/06/15						
1	WARRANT NOTICE GENERATED	FAIL TO DISP				
05/08/15						
	MISCELLANEOUS ACTION	ALL COUNTS				KMH
	SCHEDULED FOR ARRAIGNMENT/PRE-TRIAL					
		052915 800A GERDS,CARL F.,III	P-27221			KMH
	SURETY					KMH
	BOND POSTED		\$	2300.00	050415	KMH
	SURETY BOND POSTED ALWAYS QUICK BAIL BONDS PO BOX 616 EASTPOINTE,MI					KMH
	NOTICE TO APPEAR GENERATED					
		ALL COUNTS				KMH
05/29/15						
	HEARING HELD FOR CONTEMPT OF COURT					
		ALL COUNTS				CMB
	JDG GERDS,CARL F.,III				P-27221	CMB
	PLEAD GUILTY					CMB
	DISPOSED ON GUILTY PLEA					CMB
	SENTENCE		\$	380.00		CMB
	PLEAD TO CONTEMPT					CMB
	JAIL TERM				0600	CMB

COMMITTED CMB
 MACOMB COUNTY JAIL CMB
 1 JUDGMENT OF SENTENCE GENERATED
 FAIL TO DISP CMB
 MONEY OR JAIL CMB
 MONETARY TRANSACTION FAIL TO DISP MHH
 PAYMENT \$ 380.00 D332997 MHH
 CASE CLOSED MHH
 1 SOS CLEARANCE REQUESTED 52915 1017A D3
 FAC/FCJ/FCPV CLEARANCE PRINTED
 52915 1017A D3
 SOS CLEARANCE ACCEPTED 52915 1017A SOS
 06/01/15
 1 ABSTRACT GENERATED SEQ: 00022 CMB

***** END OF REGISTER OF ACTIONS ***** 07/07/15 14:07



New Search | Name List | Disconnect

Case #: 14EA00880B | Case Type: OI | Case Status: CLSD

Header Information

STATE OF MICHIGAN	REGISTER OF ACTIONS	CASE NO: 14EA00880B D01 OI
38TH JUDICIAL DISTRICT		X-REFERENCE #: 14-0002213
ORI500065J		STATUS: CLSD 05/29/15
PIN: 14-0002213		

JUDGE OF RECORD: GERDS, CARL F., III P-27221
 JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

EVANS/VANESIA/LANETTE-DANIELLE
 2032 COOPER
 DETROIT MI 48213

CTN:
 TCN:
 SID:
 ENTRY DATE: 02/03/14
 OFFENSE DATE: 02/02/14 556 AM

VEH YR: 2001 VEH MAKE: VIN: VEHICLE TYPE: PA VP: MI DAA9608 14
 OFFICER: MENZER/JEFFREY DEPT: EASTPOINTE POLICE DEPART
 PROSECUTOR: VENUE: CITY OF EASTPOINTE

Charges

COUNT 1 C/M/F: C 3100 ORD#424.01
 NO PROOF OF INSURANCE
 ARRAIGNMENT DATE: PLEA: PLEA DATE:
 FINDINGS: DEFAULT JGMT DISPOSITION DATE: 02/10/14
 SENTENCING DATE: 02/10/14

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
85.00	65.00	40.00	0.00	50.00	0.00	240.00	0.00

JAIL SENTENCE: 60 DAYS PROBATION:
 VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
02/02/14	1 ORIGINAL CHARGE NO PROOF INS	TLW
	ORDINANCE FINE & COSTS \$ 85.00	TLW
	STATE COSTS - TRAFFIC CIVIL INFRACTION \$ 40.00	TLW
	BLD1 \$ 5.00	TLW
	SCHEDULED FOR INFORMAL HEARING	
	020714 800A GERDS, CARL F., III P-27221	TLW
02/03/14	FILING DATE 020314	TLW
02/10/14	1 DEFAULT JUDGMENT GENERATED	
	NO PROOF INS	
	PENALTY ADDED-ORDINANCE NO PROOF INS \$ 25.00	
02/12/14	1 DEFAULT ABSTRACT GENERATED	

SEQ: 00001

03/11/14

1 14 DAY NOTICE GENERATED NO PROOF INS

03/25/14

1 DRIVERS LICENSE REINSTATEMENT FEE (SOS)

NO PROOF INS \$ 25.00

SOS FEE/JUROR COMPENSATION

NO PROOF INS \$ 20.00

FAC/FCJ/FCPV NOTICE GENERATED

NO PROOF INS

04/07/14

1 20% LATE PENALTY NO PROOF INS \$ 40.00

05/08/15

MISCELLANEOUS ACTION ALL COUNTS KMH

SCHEDULED FOR CONTEMPT HEARING

052915 800A GERDS,CARL F.,III P-27221 KMH

NOTICE TO APPEAR GENERATED

ALL COUNTS KMH

05/29/15

HEARING HELD FOR CONTEMPT OF COURT

ALL COUNTS CMB

JDG GERDS,CARL F.,III P-27221 CMB

SUPPLEMENTAL SENTENCING CMB

PLEAD TO CONTEMPT / MONEY OR JAIL CMB

JAIL TERM 060D CMB

COMMITTED CMB

MACOMB COUNTY JAIL CMB

1 JUDGMENT OF SENTENCE GENERATED

NO PROOF INS CMB

MONETARY TRANSACTION NO PROOF INS MHH

PAYMENT \$ 240.00 D332998 MHH

CASE CLOSED MHH

1 SOS CLEARANCE REQUESTED 52915 1017A D3

FAC/FCJ/FCPV CLEARANCE PRINTED

52915 1017A D3

SOS CLEARANCE ACCEPTED 52915 1017A SOS

***** END OF REGISTER OF ACTIONS ***** 07/07/15 14:07

Michigan Courts One Court of Justice

New Search | Name List | Disconnect

Case #: 14EA00880C Case Type: OI Case Status: CLSD

Header Information

STATE OF MICHIGAN	REGISTER OF ACTIONS	CASE NO: 14EA00880C D01 OI
38TH JUDICIAL DISTRICT		X-REFERENCE #: 14-0002213
ORI500065J		STATUS: CLSD 05/29/15
PIN: 14-0002213		

JUDGE OF RECORD: GERDS, CARL F., III P-27221
 JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

EVANS/VANESIA/LANETTE-DANIELLE
 2032 COOPER
 DETROIT MI 48213

CTN:
 TCN:
 SID:

ENTRY DATE: 02/03/14
 OFFENSE DATE: 02/02/14 556 AM

VEHICLE TYPE: PA VP: MI DAA9608 14

VEH YR: 2001 VEH MAKE:
 OFFICER: MENZER/JEFFREY

VIN:

PAPER PLATE:

DEPT: EASTPOINTE POLICE DEPARTM

PROSECUTOR:

VENUE: CITY OF EASTPOINTE

Charges

COUNT 1 C/M/F: C 3400

ORD#424.01

DEFECTIVE EQUIPMENT

ARRAIGNMENT DATE:

PLEA:

PLEA DATE:

FINDINGS: DEFAULT JGMT DISPOSITION DATE: 02/10/14

SENTENCING DATE: 02/10/14

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
75.00	63.00	40.00	0.00	50.00	0.00	228.00	0.00

JAIL SENTENCE: 60 DAYS PROBATION:

VEH IMMOB START DATE:

NUMBER OF DAYS:

VEH FORFEITURE:

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
02/02/14	1 ORIGINAL CHARGE DEFECT EQUIP	TLW
	ORDINANCE FINE & COSTS \$ 75.00	TLW
	STATE COSTS - TRAFFIC CIVIL INFRACTION \$ 40.00	TLW
	BLD1 \$ 5.00	TLW
	SCHEDULED FOR INFORMAL HEARING	
	020714 800A GERDS, CARL F., III P-27221	TLW
02/03/14	FILING DATE 020314	TLW
02/10/14	1 DEFAULT JUDGMENT GENERATED	
	DEFECT EQUIP	
	PENALTY ADDED-ORDINANCE DEFECT EQUIP \$ 25.00	
03/11/14	1 14 DAY NOTICE GENERATED DEFECT EQUIP	

03/25/14

1 DRIVERS LICENSE REINSTATEMENT FEE (SOS)
 DEFECT EQUIP \$ 25.00
 SOS FEE/JUROR COMPENSATION
 DEFECT EQUIP \$ 20.00
 FAC/FCJ/FCPV NOTICE GENERATED
 DEFECT EQUIP

04/07/14

1 20% LATE PENALTY DEFECT EQUIP \$ 38.00

05/08/15

MISCELLANEOUS ACTION ALL COUNTS KMH
 SCHEDULED FOR CONTEMPT HEARING
 052915 800A GERDS,CARL F.,III P-27221 KMH
 NOTICE TO APPEAR GENERATED
 ALL COUNTS KMH

05/29/15

HEARING HELD FOR CONTEMPT OF COURT
 ALL COUNTS CMB
 JDG GERDS,CARL F.,III P-27221 CMB
 SUPPLEMENTAL SENTENCING CMB
 PLEAD TO CONTEMPT / MONEY OR JAIL CMB
 JAIL TERM 060D CMB
 COMMITTED CMB
 MACOMB COUNTY JAIL CMB

1 JUDGMENT OF SENTENCE GENERATED

DEFECT EQUIP CMB
 MONETARY TRANSACTION DEFECT EQUIP MHH
 PAYMENT \$ 228.00 D332999 MHH
 CASE CLOSED MHH

1 SOS CLEARANCE REQUESTED 52915 1017A D3
 FAC/FCJ/FCPV CLEARANCE PRINTED
 52915 1017A D3
 CASH TENDERED 52915 1017A MHH
 SOS CLEARANCE ACCEPTED 52915 1017A SOS

06/10/15

MISCELLANEOUS ACTION ALL COUNTS CWG
 LETTER RETURNED-UNABLE TO DELIVER CWG

***** END OF REGISTER OF ACTIONS ***** 07/07/15 14:07

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EXHIBIT V



New Search | Name List | Disconnect

Case #: 12EA01240A Case Type: OI Case Status: CLSD

Header Information

STATE OF MICHIGAN	CASE NO: 12EA01240A D01 OI
38TH JUDICIAL DISTRICT	REGISTER OF ACTIONS
ORIS00065J	X-REFERENCE #: 12-3608
PIN: 12-3608	STATUS: CLSD 05/29/15

JUDGE OF RECORD: GERDS, CARL F., III P-27221
 JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

ADAMS/DELON/MARTEZ
 14110 TROESTER ST
 DETROIT MI 48205

CTN:
 TCN:
 SID:
 ENTRY DATE: 02/28/12
 OFFENSE DATE: 02/25/12 601 PM

VEH YR: 2000 VEH MAKE: CADI VIN:
 DEFENSE ATTORNEY ADDRESS
 DENNIS, MICHAEL J.,
 28225 MOUND RD
 WARREN MI 48092
 OFFICER: MCNEIL/ROBERT

VEHICLE TYPE: PA VP: MI CCW3233 11
 PAPER PLATE:
 BAR NO.
 P-35279 APPOINTED
 Telephone No.
 (586) 751-3900
 DEPT: EASTPOINTE POLICE DEPARTM
 P-61725
 VENUE: CITY OF EASTPOINTE

PROSECUTOR: BROWN, CALVIN C.,

Charges

COUNT 1 C/M/F: C 3100 ORD#424.01
 NO PROOF OF INSURANCE
 ARRAIGNMENT DATE: PLEA: ADMIT RESPON PLEA DATE: 03/07/12
 FINDINGS: JDGMNT RNRD DISPOSITION DATE: 03/07/12
 SENTENCING DATE: 03/07/12

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
85.00	35.00	40.00	0.00	50.00	0.00	210.00	0.00

JAIL SENTENCE: 60 DAYS PROBATION:
 VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:
 BOND HISTORY:
 3,400.00 CASH/SURETY/10% CASH BOND SET

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
02/25/12	1 ORIGINAL CHARGE NO PROOF INS	CMB
	ORDINANCE FINE & COSTS \$ 85.00	CMB
	STATE COSTS - TRAFFIC CIVIL INFRACTION \$ 40.00	CMB
	BLD1 \$ 5.00	CMB
	SCHEDULED FOR INFORMAL HEARING	
	030712 100P GERDS, CARL F., III P-27221	CMB
02/28/12	FILING DATE 022812	CMB

03/07/12	MISCELLANEOUS ACTION	ALL COUNTS			PB
	PROS BROWN,CALVIN C.,			P-61725	PB
	MISCELLANEOUS ACTION	ALL COUNTS			PB
	JDG GERDS,CARL F.,III			P-27221	PB
	ADMIT RESPONSIBILITY				PB
	JUDGMENT RENDERED				PB
	SENTENCE		\$ 130.00		PB
	NO OFFER FROM CA				PB
	1 PROCEEDING HELD	NO PROOF INS			PB
	RESPONSIBLE TO NO PROOF INS				PB
03/08/12	1 ABSTRACT GENERATED	SEQ: 00001			PB
03/09/12	1 MISCELLANEOUS ACTION	NO PROOF INS			CWG
	SUPPLEMENTAL SENTENCING		\$ 75.00		CWG
	WARRANT FEE		\$ 75.00		CWG
	MISCELLANEOUS ACTION	NO PROOF INS			CWG
	CASH/SURETY/10% CASH				CWG
	BOND SET		\$ 3400.00	030912	CWG
	1 MOTION, AFFIDAVIT & BENCH WARRANT GENERATED				
		NO PROOF INS			CWG
		FAC/ NO PROOF INS / NO REG / EXP			CWG
		LIC / DROVE WHILE LIC EXP			CWG
03/12/12	MISCELLANEOUS ACTION	ALL COUNTS			CWG
	SUPPLEMENTAL SENTENCING		\$ 75.00-		CWG
	WARRANT ENTERED IN ERROR				CWG
	WARRANT FEE		\$ 75.00-		CWG
04/09/12	1 14 DAY NOTICE GENERATED	NO PROOF INS			
04/23/12	1 DRIVERS LICENSE REINSTATEMENT FEE (SOS)				
		NO PROOF INS	\$ 25.00		
	SOS FEE/JUROR COMPENSATION				
		NO PROOF INS	\$ 20.00		
	FAC/FCJ/FCPV NOTICE GENERATED				
		NO PROOF INS			
05/03/12	1 20% LATE PENALTY	NO PROOF INS	\$ 35.00		
04/30/15	ARRAIGNMENT ON BENCH WARRANT HELD				
		ALL COUNTS			CMB
	JDG GERDS,CARL F.,III			P-27221	CMB
	SCHEDULED FOR CONTEMPT HEARING				
		051315 100P GERDS,CARL F.,III		P-27221	CMB
05/04/15	MISCELLANEOUS ACTION	ALL COUNTS			KMH
	ATT DENNIS,MICHAEL J.,			P-35279	KMH
05/13/15	1 HEARING HELD FOR CONTEMPT OF COURT				
		NO PROOF INS			CMB
	JDG GERDS,CARL F.,III			P-27221	CMB
	SCHEDULED FOR SENTENCING	052915 800A GERDS,CARL F.,III		P-27221	CMB
	PLEAD TO CONTEMPT				CMB
05/29/15	1 HEARING HELD FOR CONTEMPT OF COURT				
		NO PROOF INS			CMB
	JDG GERDS,CARL F.,III			P-27221	CMB
	SUPPLEMENTAL SENTENCING				CMB
	PLEAD TO CONTEMPT / MONEY OR JAIL				CMB
	JAIL TERM	060D			CMB
	COMMITTED				CMB
	MACOMB COUNTY JAIL				CMB
	JUDGMENT OF SENTENCE GENERATED				

	NO PROOF INS			CMB
MONETARY TRANSACTION	NO PROOF INS			ALJ
14347212				ALJ
PAYMENT		\$ 210.00	D164793	ALJ
CASE CLOSED				ALJ
1 SOS CLEARANCE REQUESTED	52915 1044A			D1
FAC/FCJ/FCPV CLEARANCE PRINTED				
	52915 1044A			D1
SOS CLEARANCE ACCEPTED	52915 1044A			SOS

***** END OF REGISTER OF ACTIONS ***** 07/08/15 10:03

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Disconnect



New Search | Name List | Disconnect

Case #: 12EA01240D | Case Type: OT | Case Status: CLSD

Header Information

STATE OF MICHIGAN	CASE NO: 12EA01240D D01 OT
38TH JUDICIAL DISTRICT	REGISTER OF ACTIONS
ORIS00065J	X-REFERENCE #: 12-3608
PIN: 12-3608	STATUS: CLSD 05/29/15

JUDGE OF RECORD: GERDS, CARL F., III P-27221
 JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

ADAMS/DELON/MARTEZ	CTN:
14110 TROESTER ST	TCN:
DETROIT MI 48205	SID:
	ENTRY DATE: 02/28/12
	OFFENSE DATE: 02/25/12 601 PM
VEH YR: 2000 VEH MAKE: CADI VIN:	VEHICLE TYPE: PA
	VPN: MI CCW3233 11
DEFENSE ATTORNEY ADDRESS	PAPER PLATE:
DENNIS, MICHAEL J.,	BAR NO.
28225 MOUND RD	P-35279 APPOINTED
WARREN MI 48092	Telephone No.
OFFICER: MCNEIL/ROBERT	(586) 751-3900
PROSECUTOR: BROWN, CALVIN C.,	DEPT: EASTPOINTE POLICE DEPARTM
	P-61725
	VENUE: CITY OF EASTPOINTE

Charges

COUNT 1 C/M/F: M 3220 ORD#424.01
 DROVE WHILE LICENSE EXPIRED
 ARRAIGNMENT DATE: 03/07/12 PLEA: PLEAD GUILTY PLEA DATE: 03/07/12
 FINDINGS: DSP GLTY PL DISPOSITION DATE: 03/07/12
 SENTENCING DATE: 03/07/12

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
112.00	58.00	48.00	0.00	165.00	0.00	383.00	0.00

JAIL SENTENCE: 60 DAYS PROBATION:
 VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

BOND HISTORY:

RCPT DT	NO.	ACTION	TYPE	CHECK	AMOUNT	STAT	CLRK
5/01/15	D163907	5/01/15	10% DEPOSIT		350.00	CLSD	ALJ
		3RD PTY DEPOSITOR: ADAMS/VALERIE/					
		5/29/15	BND REFUNDED	95065	350.00		ALJ

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
02/25/12		
1	ORIGINAL CHARGE DROVE LIC EX	CMB
	ORDINANCE FINE & COSTS \$ 112.00	CMB
	STATE COSTS - SIMPLE MISD/ORDINANCE VIOL \$ 48.00	CMB
	BLD2 \$ 10.00	CMB
	SCHEDULED FOR ARRAIGNMENT/PRE-TRIAL	

	030712	100P	GERDS,CARL F.,III	P-27221	CMB
02/28/12					
	FILING DATE	022812			CMB
03/07/12					
	ARRAIGNMENT/PRE-TRIAL HELD				
		ALL COUNTS			PB
	JDG GERDS,CARL F.,III		P-27221		PB
	PLEAD GUILTY				PB
	DISPOSED ON GUILTY PLEA				PB
	SENTENCE				PB
	MISCELLANEOUS ACTION	ALL COUNTS			PB
	PROS BROWN,CALVIN C.,		P-61725		PB
03/08/12					
	1 ABSTRACT GENERATED	SEQ: 00002			PB
03/13/12					
	1 MISCELLANEOUS ACTION	DROVE LIC EX			CWG
	SUPPLEMENTAL SENTENCING		\$ 75.00		CWG
	WARRANT FEE		\$ 75.00		CWG
	MISCELLANEOUS ACTION	DROVE LIC EX			CWG
	CASH/SURETY/10% CASH				CWG
	BOND SET		\$ 5700.00	031312	CWG
	1 MOTION, AFFIDAVIT & BENCH WARRANT GENERATED				
		DROVE LIC EX			CWG
	CONTEMPT/FAIL TO APPEAR				CWG
	CONTEMPT/FOLLOWING REASONS				CWG
	FAC / NO PRF INS / DWLE / FTA ON 3/				CWG
	7/12				CWG
03/14/12					
	WARRANT ENTRY REQUESTED	31412 829A			WFL
	SYSDNO (20:) GENERATED BY LEIN				
		42907039			WFL
	WARRANT ENTERED INTO LEIN				WFL
04/09/12					
	1 14 DAY NOTICE GENERATED	DROVE LIC EX			
04/23/12					
	1 DRIVERS LICENSE REINSTATEMENT FEE (SOS)				
		DROVE LIC EX	\$ 25.00		
	SOS FEE/JUROR COMPENSATION				
		DROVE LIC EX	\$ 20.00		
	FAC/FCJ/FCPV NOTICE GENERATED				
		DROVE LIC EX			
05/03/12					
	1 20% LATE PENALTY	DROVE LIC EX	\$ 58.00		
04/30/15					
	MISCELLANEOUS ACTION	ALL COUNTS			KMV
	WARRANT CANCELED FROM LEIN				KMV
	ARRAIGNMENT ON BENCH WARRANT HELD				
		ALL COUNTS			CMB
	JDG GERDS,CARL F.,III		P-27221		CMB
	SCHEDULED FOR CONTEMPT HEARING				
		051315 100P GERDS,CARL F.,III	P-27221		CMB
	CASH/SURETY/10% CASH				CMB
	BOND SET		\$ 3500.00		CMB
	PETITION FOR COURT APPOINTED ATTORNEY FILED				CMB
	APPOINT ATTORNEY				CMB
	1 PRETRIAL RELEASE/CUSTODY GENERATED-IN CUSTODY				
		DROVE LIC EX			CMB
05/01/15					
	1 MONETARY TRANSACTION	DROVE LIC EX			ALJ
	10% DEPOSIT		\$ 350.00		ALJ
	BOND POSTED		\$ 350.00	D163907	ALJ
	1 CASH TENDERED				ALJ
05/04/15					
	MISCELLANEOUS ACTION	ALL COUNTS			KMH
	ATT DENNIS,MICHAEL J.,		P-35279		KMH

NOTICE TO APPEAR GENERATED

ALL COUNTS

KMH

05/13/15

1 HEARING HELD FOR CONTEMPT OF COURT

DROVE LIC EX

CMB

JDG GERDS,CARL F.,III

P-27221 CMB

SCHEDULED FOR SENTENCING 052915 800A GERDS,CARL F.,III

P-27221 CMB

PLEAD TO CONTEMPT

CMB

05/29/15

1 HEARING HELD FOR CONTEMPT OF COURT

DROVE LIC EX

CMB

JDG GERDS,CARL F.,III

P-27221 CMB

SUPPLEMENTAL SENTENCING

CMB

PLEAD TO CONTEMPT / MONEY OR JAIL

CMB

THIRD PARTY TO SIGN OVER BOND

CMB

JAIL TERM

0600

CMB

COMMITTED

CMB

MACOMB COUNTY JAIL

CMB

MISCELLANEOUS ACTION DROVE LIC EX

CMB

SUPPLEMENTAL SENTENCING

\$ 35.00

CMB

BOND COSTS

\$ 35.00

CMB

JUDGMENT OF SENTENCE GENERATED

DROVE LIC EX

CMB

MONETARY TRANSACTION DROVE LIC EX

ALJ

14347212

ALJ

PAYMENT

\$ 383.00 D164794

ALJ

CASE CLOSED

ALJ

1 SOS CLEARANCE REQUESTED 52915 1044A

D1

FAC/FCJ/FCPV CLEARANCE PRINTED

52915 1044A

D1

CREDIT CARD TENDERED 52915 1044A

ALJ

SOS CLEARANCE ACCEPTED 52915 1044A

SOS

***** END OF REGISTER OF ACTIONS ***** 07/08/15 10:02

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EXHIBIT W

Michigan Courts One Court of Justice

New Search | Name List | Disconnect

Case #: 15EA01999B | Case Type: OT | Case Status: CLSD

Header Information

STATE OF MICHIGAN	REGISTER OF ACTIONS	CASE NO: 15EA01999B D01 OT
38TH JUDICIAL DISTRICT		X-REFERENCE #: 15-05678
ORIS00065J		STATUS: CLSD 06/29/15
PIN: 15-05678		

JUDGE OF RECORD: GERDS, CARL F., III P-27221
 JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

KNIGHT/CHONTAE/MICHELLE
 31320 SCHOENHERR RD APT 1
 WARREN MI 48088

CTN:
 TCN: F315086008M
 SID:

ENTRY DATE: 03/30/15
 OFFENSE DATE: 03/27/15 927 PM

VEHICLE TYPE: PA VP: MI DCF2197 14
 PAPER PLATE:

VEH YR: 2000 VEH MAKE: CHEV VIN:
 DEFENSE ATTORNEY ADDRESS
 MACHERZAK, MICHAEL F.,
 8300 HALL RD
 STE 204
 UTICA MI 48317
 OFFICER: PIRO/J

BAR NO.
 P-31172 APPOINTED
 Telephone No.
 (586) 206-4185
 DEPT: EASTPOINTE POLICE DEPARTM

PROSECUTOR:

VENUE: CITY OF EASTPOINTE

Charges

COUNT 1 C/M/F: M 3200 ORD#424.01
 DROVE WHILE LICENSE SUSP / REV / DENIED
 ARRAIGNMENT DATE: 04/22/15 PLEA: PLEAD GUILTY PLEA DATE: 05/20/15
 FINDINGS: DSP GLTY PL DISPOSITION DATE: 05/20/15
 SENTENCING DATE: 06/29/15

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
250.00	250.00	50.00	0.00	235.00	0.00	785.00	0.00

JAIL SENTENCE: 60 DAYS PROBATION:
 VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

BOND HISTORY:
 500.00 SURETY BOND POSTED

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
03/27/15	1 ORIGINAL CHARGE DROVE S/R/D	KMH
	ORDINANCE FINE & COSTS	KMH
	SCHEDULED FOR ARRAIGNMENT 042215 100P GERDS, CARL F., III P-27221	KMH
03/30/15	FILING DATE 033015	KMH
	TCN ADDED	KMH
	NOTICE TO APPEAR GENERATED	

	ALL COUNTS			KMH
03/31/15	MISCELLANEOUS ACTION	ALL COUNTS		KMH
	SURETY			KMH
	BOND POSTED		\$ 500.00 032815	KMH
	SURETY POSTED YOU WALK BAIL BONDS 1442 BRUSH ST DETROIT, MI 48226			KMH
04/22/15	1 ARRAIGNMENT HELD	DROVE S/R/D		CMB
	JDG GERDS,CARL F.,III		P-27221	CMB
	NOT GUILTY ENTERED BY COURT			CMB
	SCHEDULED FOR PRE-TRIAL 052015 100P	GERDS,CARL F.,III	P-27221	CMB
	1 NOTICE TO APPEAR GENERATED			
		DROVE S/R/D		CMB
04/23/15	MISCELLANEOUS ACTION	ALL COUNTS		KMH
	ATT MACHERZAK,MICHAEL F		P-31172	KMH
	NOTICE TO APPEAR GENERATED			
		ALL COUNTS		KMH
05/20/15	PRE-TRIAL HELD	ALL COUNTS		CMB
	JDG GERDS,CARL F.,III		P-27221	CMB
	PLEAD GUILTY			CMB
	DISPOSED ON GUILTY PLEA			CMB
	MISCELLANEOUS ACTION	ALL COUNTS		CMB
	SCHEDULED FOR SENTENCING 062915 100P	GERDS,CARL F.,III	P-27221	CMB
	NOTICE TO APPEAR GENERATED			
		ALL COUNTS		CMB
05/21/15	1 ABSTRACT GENERATED	SEQ: 00024		CMB
05/29/15	1 SENTENCE HEARING HELD	DROVE S/R/D		CMB
	JDG GERDS,CARL F.,III		P-27221	CMB
	SUPPLEMENTAL SENTENCING		\$ 785.00	CMB
	ORDINANCE FINE & COSTS		\$ 250.00	CMB
	STATE COSTS - MISDEMEANOR/ORDINANCE		\$ 50.00	CMB
	BLD2		\$ 10.00	CMB
	COURT COST-LOCAL ORDINANCE CRIMINAL		\$ 250.00	CMB
	CRIME VICTIM RIGHTS ASSESSMENT		\$ 75.00	CMB
	ATTORNEY FEES		\$ 150.00	CMB
	JAIL TERM	060D		CMB
	COMMITTED			CMB
	MACOMB COUNTY JAIL			CMB
	SENTENCE			CMB
	JUDGMENT OF SENTENCE GENERATED			
		DROVE S/R/D		CMB
	MONEY OR JAIL			CMB
	MONETARY TRANSACTION	DROVE S/R/D		MHH
	PAYMENT		\$ 785.00 D334048	MHH
	1 CASH TENDERED			MHH
	CASE CLOSED			MHH

***** END OF REGISTER OF ACTIONS ***** 07/07/15 15:33

EXHIBIT X



New Search | Name List | Disconnect

Case #: 14EA04628A Case Type: OM Case Status: DISP

Header Information

STATE OF MICHIGAN	REGISTER OF ACTIONS	CASE NO: 14EA04628A D01 OM
38TH JUDICIAL DISTRICT		X-REFERENCE #: 14-13159
ORIS00065J		STATUS: DISP
PIN: 14-13159		

JUDGE OF RECORD: GERDS, CARL F., III P-27221
 JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

ANDERSON/DONNA/ELAINE
 21785 REIN
 EASTPOINTE MI 48021

CTN:
 TCN:
 SID:
 ENTRY DATE: 06/26/14
 OFFENSE DATE: 06/26/14 1049 AM

VEH YR: VEH MAKE:
 DEFENSE ATTORNEY ADDRESS
 IRONS, ANDREA,
 38770 GARFIELD RD
 STE 100
 CLINTON TOWNSHIP MI 48038
 OFFICER: CARY/REGINA

VEHICLE TYPE: VIN: PAPER PLATE:
 BAR NO. APPOINTED
 Telephone No.
 (586) 469-4800
 DEPT: EASTPOINTE POLICE DEPARTM
 P-57060
 VENUE: CITY OF EASTPOINTE

PROSECUTOR: ALBRIGHT, RICHARD S.

Charges

COUNT 1 C/M/F: M 0104 ORD#610.09
 NO DOG LICENSE
 ARRAIGNMENT DATE: PLEA: PLEAD GUILTY PLEA DATE: 04/15/15
 FINDINGS: DSP GLTY PL DISPOSITION DATE: 04/15/15
 SENTENCING DATE: 04/15/15

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
30.00	25.00	50.00	0.00	169.00	0.00	274.00	265.00

JAIL SENTENCE: PROBATION:
 VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:
 BOND HISTORY:
 625.00 SURETY BOND POSTED

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
06/26/14	FILING DATE 062614	KMH
1	ORIGINAL CHARGE NO DOG LIC	KMH
	ORDINANCE FINE & COSTS \$ 30.00	KMH
	BLD2 \$ 10.00	KMH
	STATE COSTS - MISDEMEANOR/ORDINANCE \$ 50.00	KMH
	CRIME VICTIM RIGHTS ASSESSMENT \$ 75.00	KMH
	SCHEDULED FOR ARRAIGNMENT/PRE-TRIAL	
	071514 800A GERDS, CARL F., III P-27221	KMH

07/15/14
 1 MISCELLANEOUS ACTION NO DOG LIC KEH
 PROS ALBRIGHT,RICHARD S. P-57060 KEH
 REMOVED FROM CALENDAR 071514 800A GERDS,CARL F.,III P-27221 KEH
 SCHEDULED FOR PRE-TRIAL 082214 800A GERDS,CARL F.,III P-27221 KEH
 1 NOTICE TO APPEAR GENERATED
 NO DOG LIC KEH

07/31/14
 MISCELLANEOUS ACTION ALL COUNTS ALJ
 REMOVED FROM CALENDAR 082214 800A GERDS,CARL F.,III P-27221 ALJ
 SCHEDULED FOR PRE-TRIAL 091614 800A GERDS,CARL F.,III P-27221 ALJ
 OFFR REQ ALJ
 NOTICE TO APPEAR GENERATED
 ALL COUNTS ALJ

09/17/14
 MISCELLANEOUS ACTION ALL COUNTS CWG
 SUPPLEMENTAL SENTENCING \$ 75.00 CWG
 WARRANT FEE \$ 75.00 CWG
 MISCELLANEOUS ACTION ALL COUNTS CWG
 CASH/SURETY/10% CASH CWG
 BOND SET \$ 6300.00 091714 CWG
 COLLECTION POSTED ON DOOR CWG
 ENDS 11/17/2014 CWG
 1 MOTION, AFFIDAVIT & BENCH WARRANT GENERATED
 NO DOG LIC CWG
 CONTEMPT/FAIL TO APPEAR CWG
 CONTEMPT/FOLLOWING REASONS CWG
 FAC / NO DOG LIC / NO DOG LIC / CWG
 FTA ON COURDATE CWG

09/18/14
 1 WARRANT NOTICE GENERATED NO DOG LIC
 WARRANT GENERATED NO DOG LIC
 WARRANT ENTRY REQUESTED 91814 848A CWG
 SYSIDNO (20:) GENERATED BY LEIN
 44536621 CWG
 WARRANT ENTERED INTO LEIN CWG

09/22/14
 1 PENALTY ADDED-ORDINANCE NO DOG LIC \$ 25.00

03/20/15
 MISCELLANEOUS ACTION ALL COUNTS COO
 WARRANT CANCELED FROM LEIN COO
 1 WARRANT NOTICE GENERATED NO DOG LIC
 ARRAIGNMENT ON BENCH WARRANT HELD
 ALL COUNTS AAS
 JDG GERDS,CARL F.,III P-27221 AAS
 SCHEDULED FOR CONTEMPT HEARING
 041515 100P GERDS,CARL F.,III P-27221 AAS
 CASH/SURETY/10% CASH AAS
 BOND SET \$ 2500.00 AAS
 PETITION FOR COURT APPOINTED ATTORNEY FILED AAS
 APPOINT ATTORNEY AAS
 1 PRETRIAL RELEASE/CUSTODY GENERATED-IN CUSTODY
 NO DOG LIC AAS
 MISCELLANEOUS ACTION ALL COUNTS KMH
 ATT IRONS,ANDREA, P-71025 KMH
 NOTICE TO APPEAR GENERATED
 ALL COUNTS KMH
 1 BAIL BOND GENERATED NO DOG LIC ALJ
 MISCELLANEOUS ACTION ALL COUNTS ALJ
 SURETY ALJ
 BOND POSTED \$ 625.00 032015 ALJ
 SURETY POSTED YOU WALK BAIL BONDS 1442 BRUSH ST DETROIT, MI 48226 ALJ

04/15/15
 1 HEARING HELD FOR CONTEMPT OF COURT
 NO DOG LIC CMB

JDG GERDS,CARL F.,III			P-27221	CMB
PLEAD GUILTY				CMB
DISPOSED ON GUILTY PLEA				CMB
SENTENCE		\$ 265.00		CMB
PLEAD TO CONTEMPT				CMB
MISCELLANEOUS ACTION	NO DOG LIC			CMB
SCHEDULED FOR SENTENCING	052015 100P	GERDS,CARL F.,III	P-27221	CMB
1 NOTICE TO APPEAR GENERATED				
	NO DOG LIC			CMB
05/20/15				
1 PROCEEDING HELD	NO DOG LIC			CMB
SCHEDULED FOR SENTENCING	062415 100P	GERDS,CARL F.,III	P-27221	CMB
1 NOTICE TO APPEAR GENERATED				
	NO DOG LIC			CMB
06/24/15				
1 PROCEEDING HELD	NO DOG LIC			CMB
SCHEDULED FOR SENTENCING	072215 100P	GERDS,CARL F.,III	P-27221	CMB
1 NOTICE TO APPEAR GENERATED				
	NO DOG LIC			CMB
PARTIAL PAYMENT MADE	NO DOG LIC			MHH
SOFIA NELSON REQUESTED COPIES	14534228			MHH
COPY FEE		\$ 9.00		MHH
PAYMENT		\$ 9.00	D333882	MHH
1 CREDIT CARD TENDERED				MHH

***** END OF REGISTER OF ACTIONS ***** 06/29/15 12:52

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Case #: 14EA04628B Case Type: OM Case Status: DISP

Header Information

STATE OF MICHIGAN		CASE NO: 14EA04628B D01 OM
38TH JUDICIAL DISTRICT	REGISTER OF ACTIONS	X-REFERENCE #: 14-13159
ORIS00065J		STATUS: DISP
PIN: 14-13159		

JUDGE OF RECORD: GERDS, CARL F., III P-27221
 JUDGE: GERDS, CARL F., III P-27221

Party Information

CITY OF EASTPOINTE v

ANDERSON/DONNA/ELAINE
 21785 REIN
 EASTPOINTE MI 48021

CTN:
 TCN:
 SID:
 ENTRY DATE: 06/26/14
 OFFENSE DATE: 06/26/14 1049 AM

VEH YR: VEH MAKE:
 DEFENSE ATTORNEY ADDRESS
 IRONS, ANDREA,
 38770 GARFIELD RD
 STE 100
 CLINTON TOWNSHIP MI 48038
 OFFICER: CARY/REGINA

VEHICLE TYPE: VIN: PAPER PLATE:
 BAR NO. APPOINTED
 Telephone No.
 (586) 469-4800
 DEPT: EASTPOINTE POLICE DEPARTM
 P-57060
 VENUE: CITY OF EASTPOINTE

PROSECUTOR: ALBRIGHT, RICHARD S.

Charges

COUNT 1 C/M/F: M 0104 ORD#610.09
 NO DOG LICENSE
 ARRAIGNMENT DATE: PLEA: PLEAD GUILTY PLEA DATE: 04/15/15
 FINDINGS: DSP GLTY PL DISPOSITION DATE: 04/15/15
 SENTENCING DATE: 04/15/15

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
30.00	25.00	50.00	0.00	85.00	0.00	190.00	190.00

JAIL SENTENCE: PROBATION:
 VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

Events

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
06/26/14	FILING DATE 062614	KMH
1	ORIGINAL CHARGE NO DOG LIC	KMH
	ORDINANCE FINE & COSTS \$ 30.00	KMH
	BLD2 \$ 10.00	KMH
	STATE COSTS - MISDEMEANOR/ORDINANCE \$ 50.00	KMH
	CRIME VICTIM RIGHTS ASSESSMENT \$ 75.00	KMH
	SCHEDULED FOR ARRAIGNMENT/PRE-TRIAL	
	071514 800A GERDS, CARL F., III P-27221	KMH
07/15/14	1 MISCELLANEOUS ACTION NO DOG LIC	KEH

PROS ALBRIGHT,RICHARD S.				P-57060	KEH
REMOVED FROM CALENDAR	071514	800A	GERDS,CARL F.,III	P-27221	KEH
SCHEDULED FOR PRE-TRIAL	082214	800A	GERDS,CARL F.,III	P-27221	KEH
1 NOTICE TO APPEAR GENERATED					
		NO DOG LIC			KEH
08/26/14					
1 WARRANT NOTICE GENERATED		NO DOG LIC			
WARRANT GENERATED		NO DOG LIC			
08/27/14					
1 PENALTY ADDED-ORDINANCE		NO DOG LIC		\$ 25.00	
03/20/15					
1 ARRAIGNMENT ON BENCH WARRANT HELD					
		NO DOG LIC			AAS
JDG GERDS,CARL F.,III				P-27221	AAS
SCHEDULED FOR CONTEMPT HEARING					
	041515	100P	GERDS,CARL F.,III	P-27221	AAS
MISCELLANEOUS ACTION		ALL COUNTS			KMH
ATT IRONS,ANDREA,				P-71025	KMH
04/15/15					
1 HEARING HELD FOR CONTEMPT OF COURT					
		NO DOG LIC			CMB
JDG GERDS,CARL F.,III				P-27221	CMB
PLEAD GUILTY					CMB
DISPOSED ON GUILTY PLEA					CMB
PLEAD TO CONTEMPT					CMB
SENTENCE					CMB
MISCELLANEOUS ACTION		NO DOG LIC			CMB
SCHEDULED FOR SENTENCING	052015	100P	GERDS,CARL F.,III	P-27221	CMB
05/20/15					
1 PROCEEDING HELD		NO DOG LIC			CMB
SCHEDULED FOR SENTENCING	062415	100P	GERDS,CARL F.,III	P-27221	CMB
06/24/15					
1 PROCEEDING HELD		NO DOG LIC			CMB
JDG GERDS,CARL F.,III				P-27221	CMB
SCHEDULED FOR SENTENCING	072215	100P	GERDS,CARL F.,III	P-27221	CMB

***** END OF REGISTER OF ACTIONS ***** 06/29/15 15:52

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EXHIBIT Y

AFFIDAVIT OF DONNA ELAINE ANDERSON

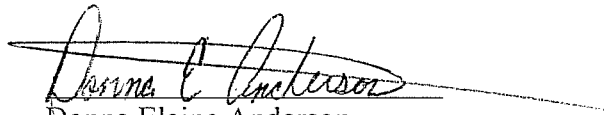
I, Donna Elaine Anderson, state as follows:

1. I am a resident of Eastpointe, Michigan, and have lived in Eastpointe for the last three and a half years.
2. I am the sole caregiver and provider for my two children ages six and twelve.
3. I currently earn \$158 a month for providing part-time homecare assistance to a disabled woman who lives in the neighborhood. I am paid for that work by the Department of Health and Human Services.
4. I have had difficulty finding steady, full-time employment that pays enough to cover the cost of childcare. I have tried, but been unsuccessful, in getting government assistance for childcare. The last time I had a steady job was in August of 2014.
5. Because I am so low-income, I receive means-tested government assistance including Section 8 rent and utility assistance, food assistance, and Medicaid.
6. My first priority is keeping my children fed and housed in a home with electricity and water.
7. I often find myself behind on bills. For example, I'm currently two months behind on my water bill.
8. I have approximately \$1,000 in outstanding student loans.
9. Last year, I was gifted a small dog by a friend who knew that my daughter wanted a dog for her birthday. Around the same time I rescued another dog in the neighborhood to prevent it from being euthanized, because I love animals and did not want the dog to die.
10. I was initially unable to get the dogs licensed because I lacked the funds to pay for the licenses.
11. In the summer of 2014 police canvassed my neighborhood looking for unlicensed dogs. I received a ticket for "no dog license."
12. The original ticket was for \$355. I did not have the money to pay the ticket.
13. I understand that by failing to license my dogs, I violated an Eastpointe City Ordinance. Since that time, I got the dogs licensed.
14. I did not know that I was supposed to appear in court on the dog license ticket and therefore a warrant was issued for my arrest.

15. I was charged with contempt of court in case number 14EA04628 for failure to pay my ticket and for missing my court date. On April 15, 2015, I pled guilty.
16. My court appointed attorney, Andrea Irons, explained to me that if I could not pay all of the fines that I owed in full on the date of sentencing, the judge would send me to jail. Ms. Irons also told me that if there was nobody to pick up my kids when I went to jail, my kids would be taken by Child Protective Services.
17. Ms. Irons advised me that Judge Gerds has a strict policy of not allowing defendants to make payment plans. In fact, there is a sign in the courthouse that reads, "Fines & Costs Due Upon Sentencing No Payment Plans."
18. Ms. Irons also advised me that Judge Gerds does not allow people to do community service in lieu of paying fines, costs or fees they cannot afford. I could do community service at my church because they would let me schedule it while my kids are at school.
19. Due to the fact that I am indigent, I am unable to pay the full fines and costs I owe all at one time. The total I now owe has risen to \$455 due to additional charges being added to my account. It takes me almost three months to make that much money. It is very difficult for me to save any money because my bills exceed my income.
20. Ms. Irons has advised me that if I am unable to pay the full \$455 at the time of sentencing, I will go directly to jail.
21. Ms. Irons has adjourned two of my sentencing dates, which were scheduled for May 20, 2015 and June 24, 2015, because I did not have the total amount owed and would have ended up being sent to jail if I had been sentenced on those days.
22. At my most recent sentencing on June 24, 2015, I was able to bring \$150, which I could have paid that day. I brought the money as a demonstration of my good-faith intent to pay what I could on my debt over time.
23. Because I was not able to save or obtain the total amount due by June 24, 2015, Ms. Irons advised me that I must adjourn the sentencing, or I would be sent to jail. When my case was called, Judge Gerds told me that this was my last chance and I would not be able to adjourn again.
24. At no time in any of my court hearings has Judge Gerds ever asked about whether I have the ability to pay.
25. My understanding is that "pay or stay" sentences are the standard procedure in the 38th District Court. It is common knowledge in Eastpointe that if you owe money in the 38th District Court and cannot pay, you will be sentenced to jail time for inability to pay.

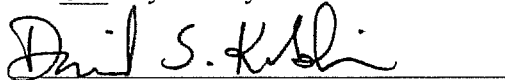
26. Each time I have gone to court, I have had to wait for my case to be called, and I have never heard Judge Gerds ever ask any defendant about their ability to pay before sentencing them to pay everything they owe immediately, or to go to jail.
27. My next court date is July 22, 2015. Based on what Judge Gerds and Ms. Irons have told me, it is my understanding if I cannot come up with the full \$455 by then, I will be sentenced to jail because I am unable to pay.
28. I will not be able to pay in full on July 22 because I am still under-employed. At most I could pay the \$150 that I have saved up in order to pay this ticket.
29. I do not believe it is fair to put me in jail just because I am too poor to pay all my fines at once. I am willing to take responsibility for not licensing my dogs right away, but I do not believe it is right to put me in jail just because I am poor when wealthier individuals who make similar mistakes are able to pay and are not jailed.

Dated: 7/8/2015


Donna Elaine Anderson

Subscribed and sworn to before me

the 8th day of July 2015


Notary Public

DANIEL S. KOROBKIN
NOTARY PUBLIC, STATE OF MI
COUNTY OF WASHTENAW
MY COMMISSION EXPIRES Nov 20, 2017
ACTING IN COUNTY OF Macomb

EXHIBIT Z

STATE OF MICHIGAN

38TH JUDICIAL DISTRICT COURT (EASTPOINTE, MICHIGAN)

PEOPLE OF THE CITY OF EASTPOINTE,

v

Case No: 14EA04628

DONNA ELAINE ANDERSON,

Defendant.

SENTENCING

BEFORE THE HONORABLE CARL F. GERDS III, DISTRICT JUDGE

Eastpointe, Michigan - Wednesday, June 24, 2015

APPEARANCES:

For the People:

None

For the Defendant:

MS. ANDREA IRONS (P71025)
Attorney at law
38770 Garfield Road, Suite 100
Clinton Township, MI 48038
(586) 469-4800

Recorded by:

Heidi M. Terenzi, CER 8219
Certified Electronic Recorder
(586) 445-5020

Transcribed by:

Antonina L. Jarczewski, CER 8810
Certified Electronic Recorder
(586) 445-5020

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WITNESSES: PEOPLE

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WITNESSES: DEFENDANT

EXHIBITS:

IDENTIFIED

RECEIVED

1 Eastpointe, Michigan

2 Wednesday, June 24, 2015 at 1:44 p.m.

3 MS. IRONS: For the record, Andrea Irons, appearing
4 on behalf of Ms. Anderson, who is approaching. Today is the
5 date and time set for sentencing in this matter.

6 THE COURT: Ma'am, your name please.

7 THE DEFENDANT: Donna Anderson.

8 THE COURT: Thank you, Ms. Irons.

9 MS. IRONS: Judge, Ms. Anderson informed me that she
10 has two children a six-year-old son and a 12-year-old
11 daughter. She's the primary care giver. The only care giver
12 for them. She's currently on Section 8 she also gets food
13 assistance. She doesn't have childcare to work so she had did
14 -- was able to come up with a hundred fifty dollars to bring
15 with her today.

16 THE COURT: Here's what I'll do, Ms. Irons, I'm
17 giving you one last adjournment. You want to do that July
18 22nd date, I'll give you that but that will be your last
19 adjournment.

20 MS. IRONS: Okay.

21 THE COURT: Would you like that?

22 MS. IRONS: Sure, Judge.

23 THE COURT: Okay, ma'am, that's your last
24 adjournment. We'll adjourn the sentencing to that date of
25 July 22nd at 1:00. Okay. Ma'am, step over there, we'll give

1
2

you your notice and you can be on your way.

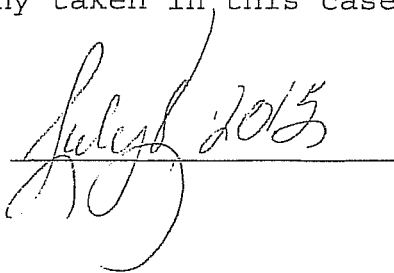
(At 1:45 p.m., matter concluded)


CERTIFICATE

STATE OF MICHIGAN)
)
COUNTY OF MACOMB)

I certify that this transcript, consisting of 4 pages, is a complete, true, and correct transcript of the proceedings and testimony taken in this case on June 24, 2015.

Dated:




_____ Antonina L. Jarczewski CER 8810
38th District Court
16101 Nine Mile Road
Eastpointe, MI 48021
(586) 445-5020