

# Making Michigan



# SAFE

Attorney General **Bill Schuette**

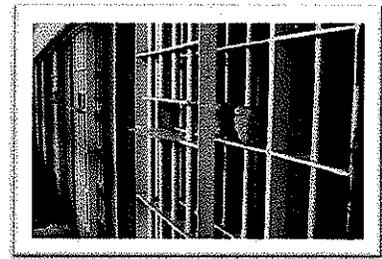
## MAKING MICHIGAN SAFE: PUBLIC SAFETY LEGISLATIVE INITIATIVE

Government's first responsibility is to provide for and protect public safety. With this legislative initiative, Attorney General Schuette aims to help fulfill that responsibility by Making Michigan Safe, beginning by taking violent criminals off the street and putting more police officers on the beat.

### VO-4: STOP REPEAT VIOLENT OFFENDERS

It is time to take the worst repeat violent offenders off our streets, so they can no longer wreak havoc on our communities.

- **Strengthen Michigan's Habitual Offender Law** to ensure repeat violent offenders are kept where they belong: behind bars.
- Hardened criminals with three prior felonies would receive a **minimum 25-year sentence** when convicted of an additional serious violent crime, stopping the pattern of violence in its tracks.
- Under the VO-4 legislation, **the 25-year minimum sentence would be charged on the violent offender's fourth felony conviction** in cases when the offender is convicted of a serious violent offense.
- Examples of qualifying crimes include: 2<sup>nd</sup> Degree Murder; Attempted Murder; Assault with Intent to Murder; Criminal Sexual Conduct (1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Degree); Carjacking; and Kidnapping.



- This simple reform will keep proven violent criminals behind bars instead of allowing them to commit more crimes in our communities.

### REAL THREATS FROM REPEAT OFFENDERS

When repeat criminals are not locked up, our communities are put at risk:

- **Terry Bowling**: Convicted of 2<sup>nd</sup> Degree Murder and other crimes for his role in a home invasion that resulted in the death of Livonia Police Officer Larry Nehasil.
- Prior to facing these charges, Bowling amassed **6 felony convictions**.
- Under Schuette's VO-4 legislation, Bowling would have faced a possible sentence of at least 25 years in prison after his fourth conviction for Armed Robbery in 1999, which occurred about 10 years before the death of Officer Nehasil.

### 1,000 NEW COPS ON OUR STREETS

- Michigan has lost over 3,200 law enforcement officials since 9/11, an almost unimaginable situation.
- With government's first priority being the protection of public safety, we must work immediately to reverse this trend.
- We must put at least 1,000 new cops back on the beat across our state as soon as possible.
- Michigan's nearly \$500 million budget surplus should be wisely and creatively used to invest in our public safety.

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## A CRIME VICTIM'S RIGHT TO KNOW

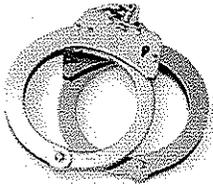
Crime Victims have a right to know the status of their attackers:

- **Require victim notification:**
  - **When a parolee goes AWOL, within 24 hours;**
  - **When the governor considers commuting a sentence, ensuring the right to provide meaningful input to the governor's office;**
  - **Of the final decision regarding commutation in a timely fashion;**
  - **When a convicted criminal dies in prison, jail, or otherwise under the custody of law enforcement.**
- **Expressly provide crime victims the right to appear and testify at parole board hearing, with exhibits and displays, if they so choose.**

*"Crime victims and their families have rights, too. They have a right to know if their safety is at risk and deserve to be provided a sense of security by our criminal justice system."*

*- Bill Schuette*

## CRACKING DOWN ON HUMAN TRAFFICKING



Schuette launched an aggressive fight against human traffickers who hold Michigan citizens in the bonds of modern slavery. The Human Trafficking Unit filed the Michigan's first human trafficking charges in cases of the sex trafficking of young women and children.

- **Helping Victims:** In addition to more expansive legislative reforms to be announced at a later date, Schuette recommends creating a **"Safe Harbor" for trafficked children aged 16-18** to ensure they are treated as victims, not criminals.
- **New Penalties for Those Who Pursue Minors:** Schuette proposes increasing the penalty for "Johns" who solicit sex from a minor, aged 16-18, **from a misdemeanor to a five year felony.**

## PROTECTING OUR CHILDREN FROM SEX PREDATORS

Our children are some of our most vulnerable citizens, and they need strong protections from exploitation by criminals:

- Expand the definition of "produce" or "make" child pornography to specifically **include making new copies of the materials.** When a child predator duplicates new images on a CD or other electronic device, the child is re-victimized each time.
- **Require child pornography "discovery" to remain in control of the prosecutor, not returned to the defendant.** This will ensure control of illegal contraband and limit opportunities for its dissemination.
- Amend sentencing guidelines to **ensure criminals who exploit children in cases where the "child" was actually an undercover officer face the same strict penalties for those who endanger actual children.**

## FIGHTING FOR PUBLIC INTEGRITY WITH TOUGHER SENTENCES

Taxpayers demand and deserve clean, transparent government. The A.G.'s Public Integrity Unit filed 115 charges in 2011. Now Michigan law should be toughened to send a message that serving in a position of public trust requires the highest level of integrity.

- Double the penalty for "Willful Neglect of Duty" to a 2-year felony.
- Double the penalty for "Public Officer Accepting a Bribe" to a 20-year felony.

## Making the "Cases" for VO-4

- 1. Defendant:** **Derrick Smith, age 43**  
**Conviction:** 1<sup>st</sup> Degree Murder and Torture  
**County:** Wayne  
**Criminal History:** 12 felonies/0 misdemeanors  
**4<sup>th</sup> Felony:** Armed Robbery, Kidnapping, Felony Firearm. 4<sup>th</sup> Habitual Offender. Sentenced to only 10 to 15 years.  
**Facts:** Defendant met victim at store to arrange a drug deal. Defendant and his co-defendant went to victim's home to make the transaction. Defendant forced victims into their basement at gun point and duct taped them to a chair. Both were shot in the head. Two minor children in the home saw their parents being duct taped and heard shot that killed their parents.
- 2. Defendant:** **Terry Bowling, age 49**  
**Conviction:** 2nd Degree Murder, Home Invasion 1st Degree, Resisting and Obstructing a Police Officer. 4th Habitual Offender.  
**Victim:** Officer Nehasil  
**Victim's Family:** Widow Linda Nehasil  
**County:** Oakland (Walled Lake)  
**Criminal History:** 15 convictions: 6 felonies/9 misdemeanors  
**4<sup>th</sup> Felony:** Armed Robbery and Felony Firearm in 1999  
**Facts:** Defendant, his brother David, and Lisa Dunn lived in Detroit and were identified as likely responsible for a number of home invasions in Livonia. Officer Nehasil was a member of the police surveillance team that followed defendant and his brother, David, to a home in Walled Lake. After identifying a home invasion in progress, the surveillance team closed in. Defendant was in an automobile in the driveway and nearly crashed into the police car. Nehasil chased defendant's brother on foot and shots were fired. Offer Nehasil was shot in the side and the face. Before he died, he was able to shoot and kill David Bolling. Defendant admitted to being involved in a number of other robberies. January 17, 2012, was the one-year anniversary of this murder.
- 3. Defendant:** **Richard Riddle, age 55**  
**Conviction:** 2<sup>nd</sup> Degree Murder  
**County:** Kalamazoo  
**Criminal History:** 8 prior felony convictions  
**4<sup>th</sup> Felony:** 1983 Armed Robbery  
**Facts:** Defendant stabs girlfriend to death in her apartment. Defendant had several domestic violence arrests involving violence against this same victim, but only one conviction. At the time of the murder, defendant had a condition of parole of "no contact" with the victim, which he ignored. One of Defendant's convictions was a CCW where he put a knife to the victim's throat.

4. **Defendant:** Paul Pozniak, age 53  
**Conviction:** 1<sup>st</sup> Degree Murder  
**Recent parole:** Paroled in July of 2009. Seven months later, murder occurs.  
**County:** Macomb  
**Criminal History:** 12 felonies/0 misdemeanors  
**Facts:** Defendant entered the home in Warren and choked the victim to death. He stole \$2,000 and the victim's wallet. Circumstances surrounding the killing are unclear, but the defendant was linked to the murder by DNA found on the victim's hands.