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Prosecutor

Paul T. Walton
Chief Assistant Prosecutor

November 14, 2013

Representative Kevin Cotter
House Judiciary Committee Chair
Anderson House Office Building
124 North Capitol Avenue
Lansing, Michigan 48909

Re: House Bill 5122 and Senate Bill 653

Dear Representative Cotter:

I write in opposition to House Bill 5122 and Senate Bill 653, specifically that section of the Bill that addresses a two Judge reduction for the 50th District Court. My opposition, however, stems from a very positive reason.

In August of 2011, Oakland County Sheriff Michael Bouchard entered into a contract with the City of Pontiac to take over the policing functions of the city. He has made significant strides in a City that was once described by the FBI as one of the most violent cities in the nation. Governor Snyder has also begun a comprehensive system of "smart justice" where he recognizes the connection between enforcement, prevention and economic opportunity. The Governor has provided additional law enforcement resources to fight crime in Pontiac.

But, additional law enforcement means more arrests which means more prosecutions. The 50th District Court's felony caseload is reflective of the enhanced enforcement. That increased case load is acknowledged and reflected in the June 2013 State Court Administrative Office Judicial Resources Report which does not recommend another judicial reduction for the 50th District Court.

Pontiac has consistently had the highest felony caseload in Oakland County. The difference between 2010 and the numbers from 2012 are staggering. The clearest example is from the raw data comparing felony caseloads in Pontiac to Southfield (a similar sized city bordering Detroit). In 2010, Pontiac had roughly 25% more felony cases than Southfield. In 2012 Pontiac had approximately 50% more felony cases than Southfield.

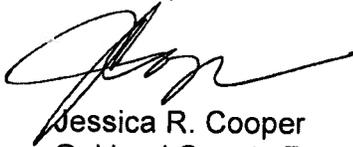
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The majority of these felonies require a preliminary exam and those exams are required to be held, by Court Rule, within 14 days. My concern is what the impact of the loss of still one more Judge in the 50th District Court will have on these cases. The Sheriff has spent considerable resources in apprehension of these alleged Defendants and our office has spent time and resources in preparation for these exams. We need to have enough Judges for these cases to be bound over for Trial to Oakland County Circuit Court and still be in compliance with the 14 day Rule.

Surprisingly, the 2013 Judicial Resources Report recommends an addition of 2 Judges to the Oakland County Circuit Court. The overwhelming number of cases tried in Oakland County Circuit Court is criminal felony trials.

Minimally, I respectfully request that action on the Bill be delayed to allow an opportunity for more deliberate and careful consideration of this impact - not only to the court, but also to allow meaningful input from law enforcement, judges, litigants, lawyers and the public we serve.

Sincerely,



Jessica R. Cooper
Oakland County Prosecutor

JRC/dmd
c: Angie Lake, Clerk; Alake@house.mi.gov