

STATE APPELLATE DEFENDER

History

The State Appellate Defender Office was created in mid-1970 and officially began accepting assignments in September of that year. The purpose of this office has been to provide, in criminal post-conviction matters, competent legal representation consistent with constitutional requirements of equal justice and due process.

The Defender depends on the Justices of the Supreme Court of Michigan, Court of Appeals of Michigan, the Circuit Courts in the State of Michigan and Detroit Recorder's Court for all of its appointments to represent indigents on appeal.

Once the Defender is appointed as counsel for a particular client, the court documents are processed and one of the staff attorneys is assigned to handle that case until completion. In general, the attorney's work consists of examining the lower court documents, researching issues, making motions and oral arguments, and writing briefs.

The State Appellate Defender Office is supervised by the seven-member Appellate Public Defender Commission, appointed by the Governor. The trial courts, the Court of Appeals and the Supreme Court each have one recommendation; the State Bar, two recommendations; and the Governor, two recommendations.

The statistics presented in this report do not fully describe the work of the State Appellate Defender Office.

The following statistics pertain only to the final action in cases where the State Appellate Defender Office was involved. On the average, each case reported had 2.3 additional court actions other than the final one here noted. Actions in the trial court include: motions for bond pending appeal, evidentiary hearings, and motions to vacate sentence. Actions in the Court of Appeals include: briefs on appeal, motions for peremptory reversal, motions for bond pending appeal, interlocutory appeals, motions for superintending control, and applications for leave to appeal. Actions in the Michigan Supreme Court include: applications for leave to appeal, interlocutory appeals, motions for bond pending appeal, and motions for superintending control.

Another major factor in assessing the work of the State Appellate Defender is time required of staff attorneys, who must visit clients and make court appearances at numerous locations throughout the State. Regular monthly appearances are also made before the Supreme Court and at the three locations of the Court of Appeals.

In addition to the work produced in each case, the office is involved in collateral matters, which impact upon the criminal justice system at almost every level. Recently, the Office of Criminal Justice Programs awarded a grant to the State Appellate Defender Office to develop a Legal Resources Project. This project was conceived and approved in response to Legislators seeking information and assistance for their constituents or opinions on pending legislation, from professional and citizen groups interested in the area of criminal law and corrections, and from attorneys seeking both procedural and substantive advice on pending cases. More than 2,000 appellate briefs covering 5,000 issues in Michigan Criminal Law are now available from the State Appellate Defender Office. Access to this information through the project will eliminate some duplication of effort by attorneys throughout the state and result in more cost-effective representation on a statewide basis. The project will also publish a criminal defense newsletter on significant recent cases in Michigan and Federal Courts.

STATUS OF CASES AS OF JUNE 30, 1977 (ACTIVE)

7/6/77

Each case has been listed in only one category. The category indicates the last procedure in a particular case. For example, when a case is listed in category II (8), a brief has been filed -- that means that the case has been processed to that point. Specifically, a claim of appeal has been filed, the transcript has been received, and, in certain cases, a motion for remand has been filed. When another matter listed on the chart occurs, the case is removed from the category it was previously listed under and placed under the category of the last event.

I. TRIAL COURTS	
1. Cases assigned to office claim not filed.....	50
2. Request to withdraw appeal by client pending.....	4
3. Transcript received.....	22
4. Preliminary action taken/further action pending.....	1
5. Motion for New Trial/New Sentencing filed - further action pending.	19
6. Hearings on remand.....	13
7. Retained counsel.....	1
	<u>110</u>
II. COURT OF APPEALS	
1. Claim filed - Transcript not received.....	68 ✓
2. Contempt of Court against court reporter.....	9 ✓
3. Claim filed - transcript received.....	202* ✓
4. Preliminary action taken/further action pending.....	15
5. Withdrawal as counsel pending.....	1
6. Prosecutor's Application for Leave to Appeal Pending.....	3
7. Application for Leave to Appeal filed.....	6 ✓
8. Motion for Peremptory Reversal filed.....	25 ✓
9. S.A.D.O. Brief on Appeal filed.....	43 ✓
10. Prosecutor Brief filed.....	30 ✓
11. Oral Argument had.....	65 ✓
12. Motion for Remand granted/further action pending.....	9 ✓
13. Decision rendered/further action pending.....	13
14. Application for Rehearing.....	4
	<u>439</u>

*One of these cases, the "10th Precinct case", is equivalent in length to approximately 50 cases.

III. SUPREME COURT	
1. Assignments to prepare Application for Leave to Appeal.....	50
2. Application for Leave pending (S.A.D.O.).....	26
3. Prosecutor's Application for Leave pending.....	7
4. Leave Granted/S.A.D.O.	2
5. Leave Granted/Prosecutor.....	2
6. Leave Granted/S.A.D.O. Brief filed.....	3
7. Prosecutor's and S.A.D.O. Brief filed.....	3
8. Oral Argument had.....	8
9. Decision rendered/further action pending.....	6
10. Application for Rehearing.....	2

LOW 439 } 521
 HIGH 60

76/77

- IV. FEDERAL COURT
 - 1. Federal District Court Habeas Corpus pending..... 9

721

CASES CLOSED JULY 1, 1976 TO JUNE 30, 1977

- I. TRIAL COURT
 - 1. Withdrew as counsel..... 1
 - 2. Appeal dismissed..... 1
 - 3. Final disposition reached..... 7

- II. COURT OF APPEALS
 - 1. Withdrew as counsel/appeal dropped by client..... 45
 - 2. Client retained own counsel..... 2
 - 3. Client missing, no possible action..... 1
 - 4. S.A.D.O. Motion to Withdraw as counsel granted..... 1
 - 5. Application for Leave to Appeal denied..... 1
 - 6. Appeal dismissed..... 8
 - 7. Final disposition reached..... 152

- III. SUPREME COURT
 - 1. Withdrew as counsel..... 1
 - 2. Appeal dropped by client..... 3
 - 3. Appointment vacated..... 7
 - 4. Appeal dismissed/client missing, died..... 1
 - 5. Prosecutor's Leave denied..... 2
 - 6. S.A.D.O. Leave denied..... 92
 - 7. Final disposition reached..... 25

- IV. FEDERAL COURT
 - 1. Writ of Habeas Corpus denied..... 1

The above statistics pertain only to the final action in cases. On the average, each case reported had 2.3 additional court actions other than the final one here noted.

351

CASE ACTIVITY REPORT
Fiscal Year July 1, 1976 - June 30, 1977

CLOSED CASES

NUMBER OF MOTIONS WITH BRIEFS FILED FOR EACH CASE:

One Motion.....	57
Two Motions.....	21
Three Motions.....	28
Four Motions.....	14
Five Motions.....	4
Six Motions.....	2
Seven Motions.....	<u>4</u>
	130

DISPOSITION OF ALL CASES CLOSED
SINCE THE 1970 FORMATION OF THE STATE APPELLATE DEFENDER OFFICE

I. TRIAL COURT	
1. Assigned in error, improper assignment, etc.	33
2. Assigned to advise client only.....	1
3. Withdrew as counsel.....	27
4. Client retained own counsel.....	14
5. Client missing, no possible action.....	2
6. Case dismissed - client died.....	3
7. Appeal withdrawn.....	7
8. Client released on habeas corpus.....	1
9. S.A.D.O. withdrew as counsel by request/appointment returned.....	30
10. Final disposition reached.....	123
II. COURT OF APPEALS	
1. Withdrew as counsel.....	50
2. Client retained own counsel.....	3
3. Client missing, no possible action.....	2
4. S.A.D.O. Motion to Withdraw as Counsel granted.....	160
5. Prosecutor's Motion to Dismiss Appeal granted.....	1
6. Application for Leave to Appeal denied.....	28
7. Confession of error by Prosecutor.....	1
8. Appeal dismissed as moot.....	5
9. Appeal dismissed.....	262
10. Final disposition reached.....	1107

III.	SUPREME COURT	
1.	S.A.D.O. removed as counsel, client found not indigent.....	3
2.	Withdrew as counsel.....	5
3.	Client withdrew appeal.....	3
4.	Case dismissed - client died.....	2
5.	Appointment vacated.....	25
6.	Appeal dismissed.....	5
7.	Prosecutor's Leave denied.....	27
8.	Prosecutor's Leave granted.....	27
9.	S.A.D.O. Leave denied.....	472
10.	S.A.D.O. Leave granted - Client retained own counsel.....	5
11.	Disposition by Supreme Court on plea cases from Court of Appeals....	10
12.	Final disposition reached.....	157
IV.	FEDERAL COURT	
1.	Writ of Habeas Corpus.....	3
V.	U.S. SUPREME COURT	
1.	Writ of Certiorari by prosecutor denied.....	2
2.	Final disposition reached.....	1