

1980

ANNUAL REPORT

STATE APPELLATE DEFENDER OFFICE

LAST ACTION ON CASES OPEN 7/1/79 to 6/30/80

I. TRIAL COURT

Motion New Trial with supporting Memorandum of Law	7
Motion Vacate Plea/Conviction/Sentence	8
Hearing on Remand pending	4
Application for Delayed Appeal pending in Court of Appeals	12
Leave case - no transcript	18
Leave case - transcript	19
Leave case - no action this year	5
Cases assigned to SADO, no claim filed - transcript received	17
Cases assigned to SADO, no claim filed - transcript not received	95
Remanded; decision pending	9
Parold Board Appeal, no claim filed - transcript received	<u>2</u>
TOTAL	196

II. COURT OF APPEALS

Claim filed - no transcript	103
Claim filed - transcript received	217
Motion Remand (including supplementals)	5
Motion Peremptory Reversal/Resentencing	14
Complaint for Superintending Control	1
Trial Court motion denied; Court of Appeals action pending	6
Trial Court motion granted; Court of Appeals action pending	1
Motion/Stipulation Dismissing Appeal	1
Motion Guidance	1
Brief	194
Supplemental Brief	2
Oral Argument had	119
Remanded, decision pending (Michigan Supreme Court)	3
Rehearing/Reconsideration	8
Show Cause Against Reporter	3
Motion Discovery	1
Motion for Transcript	<u>1</u>
TOTAL	680

III. SUPREME COURT

No action this year	5
Application for Leave to Appeal with Brief	61
Application for Leave to Appeal (Prosecutor appeal)	10
Reconsideration/Rehearing	1
Application for Leave - Order holding in abeyance	6
Leave granted - Brief filed	2
Cases assigned to SADO - transcript received	1
Leave granted SADO - no action this year	3
Prosecutor Answer to Show Cause	<u>1</u>
TOTAL	90

IV. UNITED STATES DISTRICT COURT

No action this year	1
Brief	1
Writ of Habeas Corpus	1
Dismiss	3
Notice of Appeal	1
Orals	<u>1</u>
TOTAL	8

TOTAL OPEN CASES

974

739

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STATE APPELLATE DEFENDER OFFICE

ACTIVITY ON CASES CLOSED 7/1/79 to 6/30/80

I. TRIAL COURT

1. Withdrew as counsel	5
2. Case dismissed	5
3. Appeal withdrawn	8
4. Substitute counsel appointed	31
5. Regular disposition	44
6. Client retained own counsel	<u>1</u>

TOTAL

94

II. COURT OF APPEALS

1. Vacate conviction/client died	5
2. SADO motion to withdraw as counsel granted	1
3. Substitute counsel appointed	6
4. Appeal dismissed by stipulation	81
5. Appeal dismissed on motion	14
6. Case remanded	16
7. Regular disposition	<u>266</u>

TOTAL

389

III. SUPREME COURT

1. Appointment vacated	1
2. Prosecutor's leave denied	29
3. SADO leave denied	65
4. Remanded	6
5. Other disposition	<u>25</u>

TOTAL

126

IV. UNITED STATES DISTRICT COURT

1. Writ of certiorari by prosecutor denied	<u>1</u>
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TOTAL

1

TOTAL FINAL DISPOSITIONS

610

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STATE APPELLATE DEFENDER OFFICE

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.	35
2. Assigned to advise client only	1
3. Withdrew as counsel	38
4. Client retained own counsel	16
5. Client missing, no possible action	2
6. Case dismissed	12
7. Appeal withdrawn	29
8. Client released on habeas corpus	1
9. SADO withdrew as counsel by request/appointment returned	40
10. Substitute counsel appointed	44
11. Final disposition reached	<u>224</u>
TOTAL	442

II. COURT OF APPEALS

1. Withdrew as counsel	57
2. Client retained own counsel	4
3. Client missing, deceased	9
4. SADO motion to withdraw as counsel granted	167
5. Prosecutor's motion to dismiss appeal granted	2
6. Application for Delayed Appeal denied	39
7. Confession of error by prosecutor	2
8. Appeal dismissed as moot	7
9. Appeal dismissed by motion or stipulation	506
10. Appeal dismissed for lack of progress	1
11. Final disposition reached	<u>1,936</u>
TOTAL	2730

III. SUPREME COURT

1. SADO removed as counsel, client found not indigent	3
2. Withdrew as counsel	5
3. Client withdrew appeal	3
4. Case dismissed - client missing	3
5. Appointment vacated	29
6. Appeal dismissed	8
7. Prosecutor's leave denied	77
8. Prosecutor's leave granted	31
9. SADO leave denied	676
10. Disposition by Supreme Court on plea cases for Court of Appeals	10
11. SADO leave granted - client retained own counsel	5
12. Final disposition reached	<u>324</u>
TOTAL	1,174

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STATE APPELLATE DEFENDER OFFICE

IV. FEDERAL COURT

1. Writ of habeas corpus

TOTAL 4
4

V. UNITED STATES SUPREME COURT

- 1. Writ of certiorari by prosecutor granted
- 2. Writ of certiorari by prosecutor denied
- 3. Final disposition reached

1
4
2

TOTAL
TOTAL FINAL DISPOSITIONS 4,357 ⁷

FILINGS BY SADO 7/1/79 to 6/30/80

Court	Closed Cases	Open Cases	Reporting Year Total
I. TRIAL COURT	70	93	163
II. COURT OF APPEALS	383	1,281	1,664
III. SUPREME COURT	102	113	215
IV. DISTRICT/US SUPREME COURT	<u>3</u>	<u>2</u>	<u>5</u>
	558	1,489	2,047

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LAST ACTION ON CASES OPEN 7/1/79 to 6/30/80

I. TRIAL COURT

Motion New Trial with supporting Memorandum of Law	8
Motion Vacate Plea/Conviction/Sentence	10
Hearing on Remand pending	4
Application for Delayed Appeal pending in Court of Appeals	13
Leave case - no transcript	18
Leave case - transcript	19
Leave case - no action this year	5
Cases assigned to SADO, no claim filed - transcript received	17
Cases assigned to SADO, no claim filed - transcript not received	95
Remanded; decision pending	9
Parole Board Appeal, no claim filed - transcript received	2
Other	2
TOTAL	<u>202</u>

II. COURT OF APPEALS

Claim filed - no transcript	103
Claim filed - transcript received	218
Motion Remand (including supplementals)	5
Motion Peremptory Reversal/Resentencing	14
Complaint for Superintending Control	1
Trial Court motion denied; Court of Appeals action pending	6
Trial Court motion granted; Court of Appeals action pending	1
Motion/Stipulation Dismissing Appeal	1
Motion Guidance	1
Brief	197
Supplemental Brief	2
Oral Argument had	126
Remanded, decision pending (Michigan Supreme Court)	3
Rehearing/Reconsideration	9
Show Cause Against Reporter	3
Motion Discovery	1
Motion for Transcript	2
TOTAL	<u>693</u>

III. SUPREME COURT

No action this year	5
Application for Leave to Appeal with Brief	64
Application for Leave to Appeal (Prosecutor appeal)	10
Reconsideration/Rehearing	1
Application for Leave - Order holding in abeyance	6
Leave granted - Brief filed	2
Cases assigned to SADO - transcript received	1
Leave granted SADO - no action this year	3
Prosecutor Answer to Show Cause	2
Answer to Prosecutor's Application	11
TOTAL	<u>105</u>

IV. UNITED STATES DISTRICT COURT

No action this year
Brief
Writ of Habeas Corpus
Dismiss
Notice of Appeal
Orals

TOTAL

1
1
1
3
1
1
8

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STATE APPELLATE DEFENDER OFFICE

TOTAL NEW ASSIGNMENTS FOR REPORTING YEAR 79/80 -	739
TOTAL NEW ASSIGNMENTS FOR FISCAL YEAR 79/80 ----	779
TOTAL ACTIVE CASES END FISCAL YEAR 79/80 -----	1,160

ACTIVITY ON CASES CLOSED 7/1/79 to 6/30/80

I. TRIAL COURT

Withdrew as counsel	5
Case dismissed	5
Appeal withdrawn	8
Substitute counsel appointed	31
Regular disposition	44
Client retained own counsel	1
TOTAL	<u>94</u>

II. COURT OF APPEALS

Vacate conviction/client died	5
SADO motion to withdraw as counsel granted	1
Substitute counsel appointed	6
Appeal dismissed by stipulation	81
Appeal dismissed on motion	14
Case remanded	16
Regular disposition	266
TOTAL	<u>389</u>

III. SUPREME COURT

Appointment vacated	1
Prosecutor's leave denied	29
SADO leave denied	65
Remanded	6
Other disposition	25
TOTAL	<u>126</u>

IV. UNITED STATES DISTRICT COURT

Writ of certiorari by prosecutor denied	1
TOTAL	<u>1</u>

TOTAL FINAL DISPOSITIONS 610

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STATE APPELLATE DEFENDER OFFICE

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SINCE THE 1970 FORMATION OF THE STATE APPELLATE DEFENDER OFFICE

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Application for Delayed Appeal denied	39
Confession of error by prosecutor	2
Appeal dismissed as moot	7
Appeal dismissed by motion or stipulation	506
Appeal dismissed for lack of progress	1
Final disposition reached	<u>1,936</u>
TOTAL	<u>2,730</u>

III. SUPREME COURT

SADO removed as counsel, client found not indigent	3
Withdrew as counsel	5
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Case dismissed - client missing	3
Appointment vacated	29
Appeal dismissed	8
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Prosecutor's leave granted	31
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SADO leave granted - client retained own counsel	5
Final disposition reached	<u>324</u>
TOTAL	<u>1,174</u>

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IV. FEDERAL COURT

Writ of habeas corpus		4
	TOTAL	<u>4</u>

V. UNITED STATES SUPREME COURT

Writ of certiorari by prosecutor granted		1
Writ of certiorari by prosecutor denied		4
Final disposition reached		<u>2</u>
	TOTAL	<u>7</u>

TOTAL FINAL DISPOSITIONS 4,357

FILINGS BY SADO 7/1/79 to 6/30/80

Court	Closed Cases	Open Cases	Reporting Year Total
I. TRIAL COURT	79	113	192
II. COURT OF APPEALS	438	1,455	1,893
III. SUPREME COURT	118	137	255
IV. DISTRICT/US SUPREME COURT	<u>3</u>	<u>2</u>	<u>5</u>
	638	1,707	2,345