**STATE OF MICHIGAN**

**IN THE MACOMB COUNTY CIRCUIT COURT**

PEOPLE OF THE STATE OF MICHIGAN,

 Plaintiff,

 Case No. \_\_\_\_\_\_\_\_\_\_

v.

Hon. Judge \_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_,

 Defendant.

PROSECUTOR (P XXXXX) ATTORNEY (P XXXXX)

Prosecuting Attorney Attorney for Defendant

Address Address

City, State ZIP City, State ZIP

PHONE PHONE

**Motion for Jail Sentence Reduction Pursuant to MCL 801.257**

 NOW Comes \_\_\_\_\_\_\_\_\_\_, by and through \_\_\_\_\_\_\_\_\_\_, and respectfully moves this Court to reduce his jail sentence, pursuant to 801.257. In support, counsel states:

1. Mr./Ms. \_\_\_\_\_\_\_\_\_\_ pled guilty to \_\_\_\_\_\_\_\_\_\_, in violation of MCL \_\_\_\_\_\_\_\_\_\_. Mr./Ms. \_\_\_\_\_\_\_\_\_\_ was sentenced to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for either probation violation or as original sentence. Mr./Ms. \_\_\_\_\_\_\_\_\_\_ is currently incarcerated at the Macomb County Jail.
2. Under his/her current sentence Mr./Ms. anticipates being released on \_\_\_\_. A quarter reduction of his/her sentence would allow him/her to be released on \_\_\_\_\_.
3. MCL 801.257 authorizes a discretionary reduction of 25% of a county jail inmate’s sentence if that inmate’s “. . . conduct, diligence and general attitude merits such reduction.” The statutory ability to reduce a jail term has been recognized by our Supreme Court. See *In Re Jenkins*, 438 Mich 364, 369, n 2 (1991); see also Staff Comment to MCR 6.429 (noting authority under MCL 801.257).
4. COVID-19 is an unprecedented global health crisis which calls for immediate action to save lives. COVID-19 spreads rapidly between people who are within six feet of one another. COVID-19 causes very severe illness, including death, and there is no approved vaccine or medication to treat patients.
5. On March 23, 2020 Governor Whitmer issued an emergency executive order to “suspend activities that are not necessary to sustain or protect life.”[[1]](#footnote-1) The purpose of this order is to mandate that people isolate in their homes to mitigate the spread of this deadly contagion.
6. While MCL 801.257 does not expressly permit consideration of the current COVID-19 pandemic and its impact, counsel begs this Court to evaluate whether continued incarceration of Mr./Ms. \_\_\_\_\_\_\_\_\_\_ protects society. Of course, protection of society has long been considered one of the four primary goals of punishment. See e.g., *People v Snow*, 386 Mich 586, 592 (1972), citing *Williams v New York*, 337 US 241 (1949); see also Administrative Order No. 2020-1 (2020) (urging trial courts to “take reasonable steps to protect the public” due to the COVID-19 crisis). In this extraordinary crisis, we are at a juncture where public safety is best accomplished by people sheltering in their homes to mitigate spread of this contagion between prisoners, jail staff, and the community at large.
7. The Federal Government, the State of Michigan, and all public health authorities now implore – and in some instances – require – “social distancing” and staying home. According to the Centers for Disease Control (CDC), social distancing “means remaining out of congregate settings, avoiding mass gatherings, and maintaining distance (approximately 6 feet or 2 meters) from others when possible.” See [www.CDC.gov](http://www.CDC.gov). But social distancing is impossible to accomplish in a jail setting, which was not designed or built to provide individual inmates with individual space.
8. Jails will be the epicenter of this public health crisis absent swift action.[[2]](#footnote-2) Jails across America are releasing inmates including in nearby Cleveland, Ohio.[[3]](#footnote-3) For example, New Jersey just entered a statewide consent decree to release what appears to be most of its inmates serving jail sentences. See *In The Matter of the Request to Commute or Suspend County Jail Sentences*, Consent Order, issued March 22, 2020, (Docket No. 084230) available at <https://www.aclu-nj.org/files/5415/8496/4744/2020.03.22_-_Consent_Order_Filed_Stamped_Copy-1.pdf>.
9. If client is over 60 To save lives and slow the spread of COVID-19, the CDC also recommends that those over age 60 and those with chronic health conditions – such as heart disease, diabetes, and lung disease – take special precautions and isolate themselves as much as possible. Mr./Ms. \_\_\_\_\_\_\_\_\_\_ is \_\_\_ years old.
10. Given these unique and emergency considerations, a reduction in Mr./Ms. \_\_\_\_\_\_\_\_\_\_’s jail sentence would thus help to protect society by reducing the jail population, slowing the spread of COVID-19, and saving lives.

 WHEREFORE, undersigned counsel respectfully requests that this Court reduce his Mr./Ms. \_\_\_\_\_\_\_\_\_\_’s jail sentence, pursuant to 801.257.

Respectfully submitted,

**Attorney Name**

Address

City, Michigan XXXXX

Dated: \_\_\_\_\_\_\_\_\_\_, 2020

1. Executive Order 2020-21 available at <[https://www.michigan.gov/whitmer/0,9309,7-387-90499\_90705-522626--,00.html](https://www.michigan.gov/whitmer/0%2C9309%2C7-387-90499_90705-522626--%2C00.html)> [↑](#footnote-ref-1)
2. Amanda Klonsky, *An Epicenter of the Pandemic Will be Jails and Prison, If the Inaction Continues,* New York Times (March 16, 2020) <<https://www.nytimes.com/2020/03/16/opinion/coronavirus-in-jails.html>> [↑](#footnote-ref-2)
3. Allen Kim, *Cities in the US move to lower inmate populations as coronavirus fears grow*, CNN (March 16, 2020) <<https://www.cnn.com/2020/03/16/us/inmates-released-jail-coronavirus-trnd/index.html>> [↑](#footnote-ref-3)