DATE

Clerk

------------------ Court

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------------- MI --------

Re: People v ----------

------- Court No. --------------

Dear Clerk:

Enclosed please find a Certificate of Service and Motion to Reduce Sentence.

Thank you for your cooperation.

Sincerely,

--------------- (P)

EMAIL

cc: -----------------Prosecutor

Assignment Clerk

The Honorable----------------

**STATE OF MICHIGAN**

**IN THE --------------- COURT**

**PEOPLE OF THE STATE OF MICHIGAN**

Plaintiff.

**Case No. ---------------**

**Honorable ----------------**

**-vs-**

**DEFENDANT NAME**

Defendant.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

**CERTIFICATE OF SERVICE**

Sofia Nelson certifies that on March 31, 2020 she emailed a copy of the following to the Macomb County Prosecutor to [appeals@macombgov.org](mailto:appeals@macombgov.org) and [Jennifer.putley@macombgov.org](mailto:Jennifer.putley@macombgov.org) per their consent to receive service via email:

Motion to Reduce Sentence.

**/s/ Sofia V. Nelson**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sofia V. Nelson (P77960)

**STATE OF MICHIGAN**

**IN THE --------------- COURT**

**PEOPLE OF THE STATE OF MICHIGAN**

**Plaintiff.**

**Case No. ---------------**

**Honorable ----------------**

**-vs-**

**DEFENDANT NAME**

**Defendant.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/**

----------------- Prosecutor’s Office ------------------------

Prosecuting Attorney Attorney for Mr./Ms.------------

EMAIL EMAIL

**MOTION TO REDUCE SENTENCE**

**NOW COMES** **-----------------,** by and through the -------------------, and respectfully moves this Honorable Court to reduce his/her sentence pursuant to Executive Order 2020-29 and MCL 801.59b(1) In support, counsel states:

1. On ------------, Mr./Ms. ---- pled guilty to/was convicted by jury trial of --------------------. On -------------, Mr./Ms. ------- was sentenced to -----------------. Mr./Ms. ---- has served ------ as of ---------. His/her anticipated release date from the -----County Jail is --------.

3. Mr./Ms.------- now moves this Court to reduce his/her sentence to time served pursuant to Executive Order 2020-29 and MCL 801.59b(1).

4. As the Court is aware, COVID-19 is an unprecedented public health crisis that calls for immediate action to save lives. COVID-19 spreads rapidly between people who are within six feet of one another. COVID-19 causes severe illness and often death, and there exists no approved vaccine or medication to treat those who are infected.

5. On March 29, 2020 Governor Whitmer issued another emergency executive order recommending “enhanced early-release authorization for county jails” in response to COVID-19.[[1]](#footnote-1) This order authorizes all actions under MCL 801.51 *et seq*. as if the county jail was in an overcrowding state of emergency, which grants the authority to this Court to “suspend or reduce any validly imposed jail sentence imposed by that judge.” MCL 801.59b(1). Judges can delegate these powers to their chief judge.

6. On March 23, 2020 Governor Whitmer issued an emergency executive order to “suspend activities that are not necessary to sustain or protect life.”[[2]](#footnote-2) The purpose of the Governor’s order is to mandate isolation and thus minimize the spread of this deadly contagion.

7. The Michigan Supreme Court issued Administrative Order No. 2020-1, urging all state courts to “take any . . . reasonable measures to avoid exposing participants in court proceedings, court employees, and the general public to the COVID-19 crisis.” The order further instructs courts “to take into careful consideration public health factors arising out of the present state of emergency . . . b) in determining any conditions of probation.”[[3]](#footnote-3) Furthermore, in a joint statement, Michigan Supreme Court Chief Justice Bridget McCormack and Michigan Sheriffs’ Association Executive Director Matt Saxton urged judges and sheriffs to “use the statutory authority they have to reduce and suspend jail sentences for people who do not pose a public safety risk.” Imploring that this advice “WILL SAVE LIVES.”[[4]](#footnote-4)

8. 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 and Prevention (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, which was not designed or built to provide inmates with individual space.

9. Jails will be the epicenter of this public health crisis absent swift action.[[5]](#footnote-5) Jailers across America are releasing inmates in large numbers in order to mitigate risk of transmission, including in nearby counties such as Ingham County[[6]](#footnote-6), and cities like Cleveland, Ohio.[[7]](#footnote-7) New Jersey entered a statewide consent decree to release many of its inmates serving jail sentences.[[8]](#footnote-8) There is already a crisis in the Michigan Department of Corrections.[[9]](#footnote-9) Unless swift unprecedented action is taken to dramatically reduce jail populations, an outbreak threatens to overwhelm our health care capacity and deprive life saving treatment to all of us.

10. The protection of society has long been considered one of the four primary goals of sentencing. See, e.g., *People v Snow*, 386 Mich 586, 592 (1972), citing *Williams v New York*, 337 US 241 (1949).  In the midst of an extraordinary public health crisis unlike anything within living memory, public safety is best accomplished when people isolate themselves. This weighs in favor of releasing Mr./Ms. ---- in order to mitigate spread of the deadly COVID-19 contagion between prisoners, jail staff, and the community at large, and to reduce the likelihood that our health care system will be so overburdened that people will die because there are not enough critical care beds and ventilators available.

11. An early release from jail would be consistent with the four goals of sentencing (punishment, deterrence, protection of society and rehabilitation). Mr./Ms. ----- has currently served --- months of his --- months sentence. IF NOT ASSUALTIVE ADD. A reduction of the jail term under the circumstances is consistent with the goals of punishment, deterrence, rehabilitation, and most importantly public safety.

12. Under these unprecedented circumstances, Mr./Ms.------ respectfully request immediate release from jail consistent with Governor Gretchen Whitmer’s March 29, 2020 Executive Order and MCL 801.59b(1).

**WHEREFORE**, Mr./Ms. ------- respectfully requests that this Honorable Court grant his/her motion to reduce his/her sentence so that he may be released.

Respectfully submitted,

BY: **/s-------------- (P )**

[EMAIL](mailto:snelson@sado.org)

Dated: ------------, 2020

1. Executive Order 2020-29*, available at* <<https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-523422--,00.html>> [↑](#footnote-ref-1)
2. Executive Order 2020-21, *available at* <<https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-522626--,00.html>> [↑](#footnote-ref-2)
3. Administrative Order No. 2020-01 (March 15, 2020), *available at* <<https://courts.michigan.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Administrative%20Orders/2020-08_2020-03-15_FormattedOrder_AO2020-1.pdf>> [↑](#footnote-ref-3)
4. Bridget M. McCormack and Matt Saxton, *Joint Statement*, Michigan Courts News Release (March 26, 2020), available at <<https://courts.michigan.gov/News-Events/press_releases/Documents/CJ%20and%20MSA%20Joint%20Statement%20draft%202%20(003).pdf>> [↑](#footnote-ref-4)
5. Brie Williams and Leann Bertsch, *A Public Health Doctor and Head of Corrections Agree: We Must Immediately Release People From Jails and Prisons*, The Appeal (March 27, 2020), available at< <https://theappeal.org/a-public-health-doctor-and-head-of-corrections-agree-we-must-immediately-release-people-from-jails-and-prisons/>>; Amanda Klonsky, *An Epicenter of the Pandemic Will be Jails and Prison, If the Inaction Continues,* New York Times (March 16, 2020), *available at* <<https://www.nytimes.com/2020/03/16/opinion/coronavirus-in-jails.html>> [↑](#footnote-ref-5)
6. *More than 100 Inmates Released from Ingham County Jail in Hope to Slow the Spread of COVID-19*, WLNS.com (March 20, 2020), *available at* <<https://www.wlns.com/news/more-than-100-inmates-released-from-ingham-county-jail-in-hopes-to-slow-the-spread-of-covid-19/>> [↑](#footnote-ref-6)
7. 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-7)
8. *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](https://www.aclu-nj.org/files/5415/8496/4744/2020.03.22_-_Consent_Order_Filed_Stamped_Copy-1.pdf)> [↑](#footnote-ref-8)
9. Michael Kransz, *Coronavirus cases in Michigan’s Prisons Double Over Weekend*, MLive (March 29, 2020) available at < <https://www.mlive.com/public-interest/2020/03/coronavirus-cases-in-michigans-prisons-double-over-weekend.html>>. [↑](#footnote-ref-9)