

# STATE APPELLATE DEFENDER OFFICE

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December 1, 2011

Clerk  
Berrien County Circuit Court  
County Courthouse  
811 Port Street  
St Joseph, MI 49085

Re: **People v Sean Peter Erhard**  
Circuit Court No.11-001478 FH

Dear Clerk:

Enclosed please find the original of the following: Notice of Hearing, Motion for Reduction of Jail Sentence; and Certificate of Service for filing in your Court.

I have noticed the motion for hearing "upon submission of the pleadings." If the Court should require a hearing please contact me at (313) 256-9833 ext. 2929 to arrange a date.

Thank you for your cooperation

Sincerely,

Jacqueline C. Ouvry  
Special Assistant Defender

JCO/sb

Enclosure(s)

cc: Berrien County Prosecutor  
Hon. Angela M. Pasula  
Assignment Clerk  
Mr. Sean Peter Erhard  
File

**STATE OF MICHIGAN**

**IN THE BERRIEN COUNTY CIRCUIT COURT**

**PEOPLE OF THE STATE OF MICHIGAN**

Plaintiff,

**Circuit Court No. 11-001478 FH**

-vs-

**Honorable Angela M. Pasula**

**SEAN PETER ERHARD**

Defendant.

\_\_\_\_\_ /

**NOTICE OF HEARING**

TO:

**BERRIEN COUNTY PROSECUTOR**

County Courthouse

811 Port Street

St Joseph, MI 49085

**PLEASE TAKE NOTICE** that **upon submission of the pleadings** before the Honorable Angela M. Pasula, the undersigned will move this Honorable Court to grant the within

**MOTION TO VACATE ORDER OF APPOINTMENT**

Respectfully submitted,

**STATE APPELLATE DEFENDER OFFICE**

BY:

\_\_\_\_\_  
**JACQUELINE C. OUVRY (P71214)**

**Special Assistant Defender**

3300 Penobscot Building

645 Griswold

Detroit, Michigan 48226

(313) 256-9833

Date: December 1, 2011

**STATE OF MICHIGAN**

**IN THE BERRIEN COUNTY CIRCUIT COURT**

**PEOPLE OF THE STATE OF MICHIGAN**

Plaintiff,

**Circuit Court No. 11-001478 FH**

-vs-

**Honorable Angela M. Pasula**

**SEAN PETER ERHARD**

Defendant.

\_\_\_\_\_ /

**MOTION FOR REDUCTION OF JAIL SENTENCE**

**NOW COMES** Defendant **SEAN PETER ERHARD**, by and through his attorney, the **STATE APPELLATE DEFENDER OFFICE**, by **JACQUELINE C. OUVRY**, and moves this Honorable Court to reduce his jail sentence and says in support thereof that:

1. Defendant Sean Peter Erhard pled guilty to delivery and manufacture of marijuana, illegal sale of medical marijuana, on May 25, 2011 in the Berrien County Circuit Court.

2. On June 27, 2011, the Honorable Angela M. Pasula sentenced Mr. Erhard to a term of one year incarceration in the county jail.

3. Mr. Erhard is currently scheduled for release from the jail on February 9, 2012. If the Court grants a ¼ reduction of his jail sentence for good behavior, Mr. Erhard could be eligible for release today.

4. MCL 801.257 provides for a ¼ reduction of the jail sentence by the Court:

801.257. Reduction of term for good conduct

Sec.7. Except as provided in section 5 of the prisoner reimbursement to the county act and section 5a of chapter 171 of the Revised Statutes of 1846, being section 801.5a of the Michigan

Compiled Laws, a prisoner may receive, if approved by the court, a reduction of 1/4 of his or her term if his or her conduct, diligence, and general attitude merit such reduction.

5. According to Lieutenant Kevin Allred of the Berrien County Jail, in a telephone conversation with counsel on December 1, 2011, information regarding an inmate's behavior is non-public and cannot be released even to appellate counsel. But, according to Joanne Roberts, Population Control at the Berrien County Jail in a telephone conversation with counsel on December 1, 2011, Mr. Erhard is participating in the Fresh Start program and earns programming time for that participation. Because Mr. Erhard is participating in available programming and because counsel has no information that Mr. Erhard exhibits anything other than good conduct, Mr. Erhard asserts that his conduct, diligence and general attitude would merit a reduction.

6. Mr. Erhard also requests this Court's consideration of a reduction in jail sentence because his wife is suffering from terminal breast cancer in the state of Colorado. In an attached letter, Mrs. Erhard's treating physician indicates that as of June 3, 2011 Mrs. Erhard had a 1 ½ to 3 year life expectancy and would benefit from as much support as is available to participate in treatment while providing care to her young daughter. *Letter*, attached as *Appendix A*. Upon his release, Mr. Erhard intends to return to Colorado to provide that support to both his wife and daughter.

**WHEREFORE**, Defendant respectfully requests that this Honorable Court reduce his current jail sentence by one quarter (1/4) with credit for time served under the authority of MCL 801.257.

Respectfully submitted,

**STATE APPELLATE DEFENDER OFFICE**

BY: \_\_\_\_\_  
**JACQUELINE C. OUVRY (P71214)**  
**Special Assistant Defender**  
3300 Penobscot Building  
645 Griswold  
Detroit, Michigan 48226  
(313) 256-9833

Date: December 1, 2011

STATE OF MICHIGAN

IN THE BERRIEN COUNTY CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff,

Circuit Court No. 11-001478 FH

-vs-

Honorable Angela M. Pasula

SEAN PETER ERHARD

Defendant.

\_\_\_\_\_ /

**CERTIFICATE OF SERVICE**

**Jacqueline C. Ouvry**, attorney at law, says that on December 1, 2011, she mailed one copy of:

NOTICE OF HEARING  
(upon submission of the pleadings)  
**MOTION FOR REDUCTION OF JAIL SENTENCE**  
CERTIFICATE OF SERVICE

TO:  
BERRIEN COUNTY PROSECUTOR  
County Courthouse  
811 Port Street  
St Joseph, MI 49085

\_\_\_\_\_  
**JACQUELINE C. OUVRY (P71214)**

25639 /Jacqueline c. Ouvry