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97 KB

I. Request for Records Under the Michigan Freedom of Information Act

Pursuant to the Michigan Freedom of Information Act ("FOIA"), MCL 15.231 et seq., I hereby request copies of **all records** your office maintains that document, track, summarize, or report **plea bargaining practices** from **January 1, 2022, to the present**, including but not limited to:

II. Records Requested

A. Plea Offer Data & Tracking

1. Any databases, spreadsheets, logs, reports, dashboards, or summaries that track:
    - Number of cases in which plea offers were made;
    - Number of cases resolved by plea;
    - Number of cases that proceeded to trial;
    - Acceptance or rejection rates of plea offers.
2. Any export, report, or data field from the office's case-management system (e.g., **Prosecutor by Karpel**, **JustWare**, **Tyler**, **in-house system**) containing:
    - Plea offer details;
    - Charges pre-offer and charges post-offer;
    - Sentencing ranges or recommendations offered during plea negotiations;
    - Final plea outcome (accepted/rejected/withdrawn).

Note on System Migration Delays

The Prosecutor's Office has stated that the transition to a new case-management system has hindered retrieval of responsive data. Because this transition has been ongoing for more than **six months**, I request:

- All data exports, backups, or legacy-system extractions created before, during, or after the migration;
- All documentation reflecting the status of the migration, including what data has not yet been imported and why;
- Any record indicating that plea-bargaining, Brady/Giglio, or case-tracking fields were rendered inaccessible during the migration.

Under FOIA, the public body must produce *existing* records regardless of internal software changes. A six-month inability to access constitutional-obligation records (Brady, Giglio, plea offers, trials vs. pleas) is itself a matter of high public concern.

B. Sentencing Ranges, Offers, and Policies

3. Any formal or informal policies, manuals, SOPs, memoranda, checklists, or training materials describing:
    - Standardized plea offers;
    - Sentencing ranges typically offered for specific offenses;
    - Guidelines for when plea offers may be enhanced, reduced, or withdrawn;
    - Policies relating to mandatory minimum offers.
4. Any templates or form letters used to communicate plea offers or plea withdrawal notices to defendants or defense counsel.

C. Internal Analytics & Performance Metrics

5. Any internal performance metrics, productivity summaries, or KPI reports that reference:
    - Rates of plea resolutions;
    - Prosecutor performance tied to plea bargaining;

- Trial-to-plea ratios;
- Timeliness or efficiency of plea bargaining.

6. Any statistical reports submitted to external agencies (e.g., **Michigan Prosecuting Attorneys Coordinating Council, Department of Technology, Management & Budget**, or grant-reporting entities) referencing plea bargaining activity.

III. Format of Production

I request that all records be produced **in their native electronic format**, including Excel, CSV, or database exports when available. PDF is acceptable for documents that do not exist in a structured digital form.

Pursuant to MCL 15.233(1), **a public body may not create a new record**, but must provide existing data in the format it is maintained.

IV. Fee Waiver Request

I request a **full waiver of fees** under MCL 15.234(1), because this request is made **in the public interest**, is **noncommercial**, and is intended to promote transparency regarding criminal justice practices affecting the public at large.

If fees are assessed, please provide an **itemized written estimate** before processing as required by MCL 15.234(4).

V. Segregability

If any portion of the requested material is withheld, please provide the **specific statutory exemption** and release all reasonably segregable portions, as required under MCL 15.244.

CERTIFICATION

I certify that I am requesting these records as a member of the public and that I will use them exclusively for non-commercial purposes related to research, education, and public interest.

CONTACT INFORMATION

I understand that you will respond within 5 business days as required by law.

Respectfully submitted,

[redacted]
3989 [redacted] Circle
[redacted] CO [redacted]
Email: [redacted]
Phone: [redacted]

Date: November 25th, 2025

CERTIFICATE OF SERVICE

I hereby certify that on November 25th, 2025, I served a copy to:

Delta County Prosecutor's Office
FOIA Coordinator
Emily Delsavo
edesalvo@deltacountymi.org
310 Ludington Street, Suite 237
Escanaba, MI 49829