Delta County Prosecutor's Office

Lauren M. Wickman
Prosecuting Attorney
Civil Counsel
Beth Wickwire
Chief Assistant Prosecutor
Deputy Civil Counsel
Lauren Mattson
Assistant Prosecutor

December 18, 2025

[redacted]

Re: FOIA Request #25-278

[redacted]

I acknowledge receipt of your Freedom of Information Act requests dated November 25, 2025 received by the Delta County Prosecutor's Office on November 26, 2025. An extension was filed on December 3, 2025 by the Public Body.

Your Request is as follows:

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

Pursuant to Michigan Freedom of Information Act ("FOIA"), MCL 15.231 et seq., I 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 proceed to trial;
   - Acceptance or rejection rates of plea offers.

2. Any export, report or data filed 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   - Final plea outcome (accepted/rejected/withdrawn)

310 LUDINGTON STREET, SUITE 237 ESCANABA MI 49829
(906)789-5115

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 going on 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, checklist, 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 template or form letters used to communicate plea offers or plea withdrawal notices to defendant 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.

In response to your request:

Your request in the paragraph (A)(1), is **GRANTED IN PART, DENIED IN PART.**

Specifically, as to your requests for the "number of cases in which plea offers were made" from "January 1, 2022, to the present"[1]:

> No such record currently exists "[a]ny databases, spreadsheets, logs, reports, dashboards, or summaries that track" the "number in cases in which plea offers were made" for that period, or any time period. That is not a statistic that is tracked within this Office, nor to the undersigned's knowledge, has that ever been tracked. Pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record."
>
> While no "databases, spreadsheets, logs, reports, dashboards, or summaries that track" exists that lists the "number of cases in which plea offers were made" from "January 1, 2022, to the present", the underlying data that would allow for the number to be derived is available and in the possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**. The denial relates to the separation of exempt information from non-exempt information that would be determined after the location and review of the responsive materials, pursuant to MCL 15.234(1).
>
> > In **GRANTING** your request, the Prosecutor's Office would be required to locate plea offer documentation in all files that were open or authorized from January 1, 2022 to the present. This is an estimated 1,000 case per year, resulting in a total review of 4,000 files. After locating the documents, a review of the documents themselves will be required to separate exempt information from non-exempt information. The location process would take an estimated 10 minutes per case, and the separation process would take an estimated 4 minutes per case. [2]
> >
> > Due to the breadth of the request and number of cases that would be required to be reviewed, the public body has determined that failing to charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests. Such costs are specifically outlined in the attached FOIA Fee Itemization but include the significant time and cost for searching for and locating the records. Any documents that would be

[1] This request is substantially similar to the request you made, documented in FOIA Request 25-94, with a slightly broader time frame. Additionally, this request is substantially similar to the request you made, documented in FOIA Request 25-136, with a broader time frame. The Delta County Board of Commissioners addressed FOIA Request 25-136 on Appeal, and upheld the denial.

[2] Please note, that this estimate applies to this FOIA Request, but that should payment be made on the estimate related to FOIA Request 25-277, the documents in this request would be captured in that review, making this estimate moot. This would only apply in the instance that the fee estimate was paid related to Request 25-277.

produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).

Because the estimated fee in this case is great than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated fee to be paid before providing the responsive documents. The total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

Specifically, as to your requests for the "number of cases resolved by plea" from "January 1, 2022, to the present"[3]:

No such record currently exists "[a]ny databases, spreadsheets, logs, reports, dashboards, or summaries that track" the "number in cases resolved by plea" for that period, or any time period. That is not a statistic that is tracked within this Office, nor to the undersigned's knowledge, has that ever been tracked. Pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record."

While no "databases, spreadsheets, logs, reports, dashboards, or summaries that track" exists that lists the "number of cases resolved by plea" from "January 1, 2022, to the present", the underlying data that would allow for the number to be derived is available and in the possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**. The denial relates to the separation of exempt information from non-exempt information that would be determined after the location and review of the responsive materials, pursuant to MCL 15.234(1).

In **GRANTING** your request, the Prosecutor's Office would be required to locate plea offer documentation in all files that were open or authorized from January 1, 2022 to the present. This is an estimated 1,000 case per year, resulting in a total review of 4,000 files. After locating the documents, a review of the documents themselves will be required to separate exempt information from non-exempt information. The location process would take an estimated 10 minutes per case, and the separation process would take an estimated 4 minutes per case. [4]

[3] This request is substantially similar to the request you made, documented in FOIA Request 25-94, with a slightly broader time frame. Additionally, this request is substantially similar to the request you made, documented in FOIA Request 25-136, with a broader time frame. The Delta County Board of Commissioners addressed FOIA Request 25-136 on Appeal, and upheld the denial.

[4] Please note, that this estimate applies to this FOIA Request, but that should payment be made on the estimate related to FOIA Request 25-277, the documents in this request would be captured in that review, making this estimate moot. This would only apply in the instance that the fee estimate was paid related to Request 25-277.

Due to the breadth of the request and number of cases that would be required to be reviewed, the public body has determined that failing to charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests. Such costs are specifically outlined in the attached FOIA Fee Itemization[5] but include the significant time and cost for searching for and locating the records. Any documents that would be produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).

Because the estimated fee in this case is great than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated fee to be paid before providing the responsive documents. The total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

Specifically as to your request for the "[n]umber of cases that proceed to trial" from "January 1, 2022, to the present," is **GRANTED** following a review of the internal calendar of the Prosecutor's Office. The number of trials includes any jury trials in District, Circuit or Probate Court, any Abuse/Neglect Proceedings categorized as trials, or any entries of pleas *as charged* on the day of trial. In response, please find the following information:

	2022	**2023**	**2024**	**2025[6]**
District Court	1	6	5	6
Probate Court	10	9	3	3
Circuit Court	7	4	4	4

Specifically, as your request for the "acceptance or rejection rates of plea offers" from "January 1, 2022, to the present,"

No such record currently exists "[a]ny databases, spreadsheets, logs, reports, dashboards, or summaries that track" the "acceptance or rejection rates of plea offers" January 1, 2022, to the present", or any time period. That is not a statistic that is tracked within this Office, nor to the undersigned's knowledge, has that ever been tracked. Pursuant to MCL 15.233(4) and (5) the public body is neither

[5] In locating the responsive documents related to the request documented in Paragraph II(A) bullet point 1 (page 3), the responsive documents related to this request would be captured as well. As such only one Fee Itemization Form is being produced.

[6] Trials through December 18, 2025

required to "make a compilation, summary or report of information" no required to "create a new public record."

While no "databases, spreadsheets, logs, reports, dashboards, or summaries that track" exists that documents the "acceptance or rejection rates of plea offers" January 1, 2022, to the present" the underlying data that would allow for the number to be derived is available and in the possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**. The denial relates to the separation of exempt information from non-exempt information that would be determined after the location and review of the responsive materials, pursuant to MCL 15.234(1).

> In **GRANTING** your request, the Prosecutor's Office would be required to locate plea offer documentation in all files that were open or authorized from January 1, 2022 to the present. This is an estimated 1,000 case per year, resulting in a total review of 4,000 files. After locating the documents, a review of the documents themselves will be required to separate exempt information from non-exempt information. The location process would take an estimated 10 minutes per case, and the separation process would take an estimated 4 minutes per case. [7]
>
> Due to the breadth of the request and number of cases that would be required to be reviewed, the public body has determined that failing to charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests. Such costs are specifically outlined in the attached FOIA Fee Itemization[8] but include the significant time and cost for searching for and locating the records. Any documents that would be produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).
>
> Because the estimated fee in this case is great than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated fee to be paid before providing the responsive documents. The total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take

[7] Please note, that this estimate applies to this FOIA Request, but that should payment be made on the estimate related to FOIA Request 25-277, the documents in this request would be captured in that review, making this estimate moot. This would only apply in the instance that the fee estimate was paid related to Request 25-277.
[8] In locating the responsive documents related to the request documented in Paragraph II(A) bullet point 1 and 2 (page 3, 5), the responsive documents related to this request would be captured as well. As such only one Fee Itemization Form is being produced.

approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

Your request in the paragraph (A)(2), is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for **"**Any export, report or data filed from the office's case-management system" related to "plea offer details" from "January 1, 2022, to the present," does not exist in the form of an export, report, or data.

Prior to the transition to ProsecutorbyKarpel, the in-house case tracking system did not document plea offer details in anyway. That information was not transitioned from one system to the other, because it simply did not exist. Moreover, plea detail information is not entered directly into ProsectuorbyKarpel. (i.e. the information is NOT entered at this time by Prosecutor's Office staff into a data field). At this time, the documentation related to the plea offer details is only contained in the correspondence or plea offer forms sent to defense counsel directly. As such, and pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record."

While no export, report, or data related to "plea offer details" from January 1, 2022, to the present exists, the underlying data of the plea offer correspondence does exist within the possession of the Prosecutor's Office. As such, the underlying data that would allow for the number to be derived is available and in the possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**. The denial relates to the separation of exempt information from non-exempt information that would be determined after the location and review of the responsive materials, pursuant to MCL 15.234(1).

In **GRANTING** your request, the Prosecutor's Office would be required to locate plea offer documentation in all files that were open or authorized from January 1, 2022 to the present. This is an estimated 1,000 case per year, resulting in a total review of 4,000 files. After locating the documents, a review of the documents themselves will be required to separate exempt information from non-exempt information. The location process would take an estimated 10 minutes per case, and the separation process would take an estimated 4 minutes per case. [9]

Due to the breadth of the request and number of cases that would be required to be reviewed, the public body has determined that failing to

[9] Please note, that this estimate applies to this FOIA Request, but that should payment be made on the estimate related to FOIA Request 25-277, the documents in this request would be captured in that review, making this estimate moot. This would only apply in the instance that the fee estimate was paid related to Request 25-277.

charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests. Such costs are specifically outlined in the attached FOIA Fee Itemization[10] but include the significant time and cost for searching for and locating the records. Any documents that would be produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).

Because the estimated fee in this case is great than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated fee to be paid before providing the responsive documents. The total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

Specifically, your request for **"**Any export, report or data filed from the office's case-management system" related to "charges pre-offer and post-offer" from "January 1, 2022, to the present," does not exist in the form of an export, report, or data. Moreover, plea detail information is not entered directly into ProsectuorbyKarpel. (i.e. the information is NOT entered at this time by Prosecutor's Office staff into a data field). At this time, the documentation related to the plea offer details is only contained in the correspondence or plea offer forms sent to defense counsel directly. As such, and pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record."

While no export, report, or data related to "charges pre-offer and post-offer" from January 1, 2022, to the present exists, the underlying data of the plea offer correspondence does exist within the possession of the Prosecutor's Office. As such, the underlying data that would allow for the number to be derived is available and in the possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**. The denial relates to the separation of exempt information from non-exempt information that would be determined after the location and review of the responsive materials, pursuant to MCL 15.234(1).

In **GRANTING** your request, the Prosecutor's Office would be required to locate plea offer documentation in all files that were open or authorized from January 1, 2022 to the present. This is an estimated 1,000 case per year, resulting in a total review of 4,000 files. After locating the documents,

[10] In locating the responsive documents related to the request documented previously documented in this response, the responsive documents related to this request would be captured as well. As such only one Fee Itemization Form is being produced.

a review of the documents themselves will be required to separate exempt information from non-exempt information. The location process would take an estimated 10 minutes per case, and the separation process would take an estimated 4 minutes per case. [11]

Due to the breadth of the request and number of cases that would be required to be reviewed, the public body has determined that failing to charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests. Such costs are specifically outlined in the attached FOIA Fee Itemization[12] but include the significant time and cost for searching for and locating the records. Any documents that would be produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).

Because the estimated fee in this case is great than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated fee to be paid before providing the responsive documents. The total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

As detailed above, the in-house case tracking system did not track this information as it relates to a plea offer. There was no way to input that information. In ProsecutorbyKarpel, the information pre-offer and post-offer is only documented after a plea has been entered, and does NOT contain all the terms and conditions of the plea agreement.

Specifically, your request for "Any export, report or data filed from the office's case-management system" related to "sentencing ranges or recommendations offered during plea negotiations" January 1, 2022, to the present," does not exist in the form of an export, report, or data.

"Sentencing ranges ore recommendations" are not included in negotiation of every plea resolution. Moreover, neither the previous in-house case tracking system, nor ProsecutorbyKarpel tracks that information through the entry of data directly into the system (i.e. the information is NOT

[11] Please note, that this estimate applies to this FOIA Request, but that should payment be made on the estimate related to FOIA Request 25-277, the documents in this request would be captured in that review, making this estimate moot. This would only apply in the instance that the fee estimate was paid related to Request 25-277.
[12] In locating the responsive documents related to the request documented in Paragraph II(A) bullet point 1, 2, and 4 (page 3, 5, 6), the responsive documents related to this request would be captured as well. As such only one Fee Itemization Form is being produced.

entered at this time by Prosecutor's Office staff into a data field). Any such information would be included either on the plea offer form, or in the correspondence with the defense attorney directly. Pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record."

While no "export, report, or data" related to "sentencing ranges or recommendations offered during plea negotiations" from January 1, 2022, to the present exists, the underlying data of the plea offer correspondence does exist within the possession of the Prosecutor's Office. As such, the underlying data that would allow for the number to be derived is available and in the possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**. The denial relates to the separation of exempt information from non-exempt information that would be determined after the location and review of the responsive materials, pursuant to MCL 15.234(1).

In **GRANTING** your request, the Prosecutor's Office would be required to locate plea offer documentation in all files that were open or authorized from January 1, 2022 to the present. This is an estimated 1,000 case per year, resulting in a total review of 4,000 files. After locating the documents, a review of the documents themselves will be required to separate exempt information from non-exempt information. The location process would take an estimated 10 minutes per case, and the separation process would take an estimated 4 minutes per case. [13]

Due to the breadth of the request and number of cases that would be required to be reviewed, the public body has determined that failing to charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests. Such costs are specifically outlined in the attached FOIA Fee Itemization[14] but include the significant time and cost for searching for and locating the records. Any documents that would be produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).

Because the estimated fee in this case is great than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated

[13] Please note, that this estimate applies to this FOIA Request, but that should payment be made on the estimate related to FOIA Request 25-277, the documents in this request would be captured in that review, making this estimate moot. This would only apply in the instance that the fee estimate was paid related to Request 25-277.
[14] In locating the responsive documents related to the request documented in earlier in this Responsive memo, the responsive documents related to this request would be captured as well. As such only one Fee Itemization Form is being produced.

fee to be paid before providing the responsive documents. The total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

Final plea outcome (accepted/rejected/withdrawn)

Specifically, your request for "Any export, report or data filed from the office's case-management system" related to "final plea outcome (accepted/rejected/withdrawn)" from "January 1, 2022, to the present," does not exist in the form of an export, report, or data.

This is not a statistic that the Prosecutor's Office has documented or tracked. As such, no existing exports, reports, or data exists related to final plea outcomes. Pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record."

While no "export, report, or data" related to "final plea outcome (accepted/rejected/withdrawn)" from January 1, 2022, to the present exists, the underlying data of the plea offer correspondence does exist within the possession of the Prosecutor's Office. As such, the underlying data that would allow for the number to be derived is available and in the possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**. The denial relates to the separation of exempt information from non-exempt information that would be determined after the location and review of the responsive materials, pursuant to MCL 15.234(1).

In **GRANTING** your request, the Prosecutor's Office would be required to locate plea offer documentation in all files that were open or authorized from January 1, 2022 to the present. This is an estimated 1,000 case per year, resulting in a total review of 4,000 files. After locating the documents, a review of the documents themselves will be required to separate exempt information from non-exempt information. The location process would take an estimated 10 minutes per case, and the separation process would take an estimated 4 minutes per case. [15]

Due to the breadth of the request and number of cases that would be required to be reviewed, the public body has determined that failing to charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in

[15] Please note, that this estimate applies to this FOIA Request, but that should payment be made on the estimate related to FOIA Request 25-277, the documents in this request would be captured in that review, making this estimate moot. This would only apply in the instance that the fee estimate was paid related to Request 25-277.

unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests. Such costs are specifically outlined in the attached FOIA Fee Itemization[16] but include the significant time and cost for searching for and locating the records. Any documents that would be produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).

Because the estimated fee in this case is great than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated fee to be paid before providing the responsive documents. The total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

Your requests under the title "Note on System Migration Delays" are **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for "[a]ll data exports, backups, or legacy-system extractions created before, during or after the migration" is **DENIED** as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.[17]

Specifically, your request "[a]ll documentation reflecting the status of the migration, including what data has not yet been imported and why" is **DENIED** as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

While no records exist, it can be stated that the data transition or migration was completed in June 2024. The issue is not with the data being migrated, but with the information from one system not matching with all data fields or areas in the new system. Moreover, there are more data fields available in ProsecutorbyKarpel than in the previous case management system. As such, information that can now be documented in ProsecutorbyKarpel could not be in the old system. There are still mistakes and issues being found with the migrated information on nearly a weekly basis due to the age of the case at issue and what information was originally inputted into the old system.

[16] In locating the responsive documents related to the request documented in earlier in this Responsive memo, the responsive documents related to this request would be captured as well. As such only one Fee Itemization Form is being produced.

[17] Please note this was confirmed with the IT Department.

Specifically, your request for "[a]ny record indicating that plea-bargaining, Brady/Giglio, or case-tracking fields were rendered inaccessible during the migration" is **DENIED** as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

While no records exist, it can be stated, that the old case tracking system did not have data fields related to the tracking of plea-bargaining or Brady/Giglio. This information was never inputted into that system, so there was no information to migrate to ProsecutorbyKarpel.

Of further interest, as you note in your request, *existing records* are required to be provided. All statistical information, data exports, etc have been provided to you, when they have existed at the time of your request. Pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record."

Finally, as described and provided in previous FOIA Requests, the Brady/Giglio documentation has been provided to yourself, as well as defense attorneys when constitutionally required. There are NO "constitutional-obligation" records that our office is required to either generate, compile, summarize, or submit to anyone related to plea offers or trials vs. pleas.

Your request in the paragraph (B), is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for any "[a]ny formal or informal policies, manuals, SOPs, memoranda, checklist, or training materials describing: standardized plea offers" is **DENIED** as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

This is an identical request to that of FOIA Request 25-178, at which time it described to you that no such polices, manuals SOPs, memoranda, checklist, or training materials describing standardized plea offers. This was previously Appealed to the Delta County Board and the denial was upheld.

Specifically, your request for any "[a]ny formal or informal policies, manuals, SOPs, memoranda, checklist, or training materials describing: Sentencing ranges typically offered for specific offenses" is **DENIED** as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

Specifically, your request for any "guidelines for when plea offers may be enhanced, reduced or withdrawn" is **DENIED** as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

> While no record documents the practice, it is standard for cases that a preliminary examination to be conducted to have the existing plea offer be withdrawn. That same plea offer may be made again at a later date, a new plea offer may be made, or no plea offer may be made depending on the circumstances.

Specifically, your request for any "policies relating to mandatory minimum offers" is **DENIED** is as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

Specifically, as to your request in the paragraph (B)(2), "[a]ny template or form letters used to communicate plea offers or plea withdrawal notices to defendant or defense counsel is **GRANTED.** In granting your request, please find the following responsive records:

> SCAO Form MCL 414
> "People's Notification of Revocation of Plea Offer" Template

Your request documented in paragraph (C), is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for "[a]ny internal performance metrics, productivity summaries, or KPI reports that reference: rates of plea resolutions" is **DENIED** is as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

Specifically, your request for "[a]ny internal performance metrics, productivity summaries, or KPI reports that reference: Prosecutor performance tied to plea bargaining" is **DENIED** is as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

Specifically, your request for "[a]ny internal performance metrics, productivity summaries, or KPI reports that reference: Trial-to-plea ratios" is **DENIED** is as the records do not exist. The undersigned hereby certifies that, after a search for records and

to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

Specifically, your request for "[a]ny internal performance metrics, productivity summaries, or KPI reports that reference: Timeliness or efficiency of plea bargaining" is **DENIED** is as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

Specifically, your request for "[a]ny 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" is **DENIED** is as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

No such record currently exists "[a]ny databases, spreadsheets, logs, reports, dashboards, or summaries that track" the

If you disagree with this decision, you may submit an appeal to the chairperson of the Delta County Board of Commissioners, or seek judicial review in the Delta County Circuit Court. If you prevail in Circuit Court, you may be entitled to receive attorney fees, costs, and disbursements as well as actual or compensatory damages, and punitive damages of $1,000.00.

I have also included the website utilized to find Freedom of Information Act (FOIA) Written Policies, Guidelines, and Forms as well as the FOIA Appeal Form.

If you have any questions or concerns, please contact me.

Best Regards,

Lauren M. Wickman
Chief Prosecuting Attorney

Emily Desalvo
FOIA Coordinator