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FOIA Response 26-20

Denial letter dated February 5, 2026, and Notice of Denial form

DELTA COUNTY PROSECUTOR'S OFFICE
310 Ludington Street, Escanaba, Michigan 49829

February 05, 2026

`NAME AND ADDRESS REDACTED`

RE: FOIA Request 26-20

Dear `NAME REDACTED`:

This letter is in response to your request dated January 30, 2026, received by the Delta County Prosecutor's Office on February 2, 2026, requesting the total number of criminal cases filed by this office from the prosecutor's election date through December 31, 2025.

Your request is **DENIED**. No document currently exists detailing the "aggregate numerical total" of criminal cases filed by the Delta County Prosecutor's Office for the requested period. Specifically, the request would require the generation or creation of a new public record to fulfill the request. Such creation is not required under Michigan FOIA. MCL 15.233(5). However, the "aggregate numerical total" as requested can be gleaned from the previously provided documents. As such, the request for such an existing record is DENIED.

Pursuant to MCL 15.233(1), I certify that the public record described above does not exist under the name given in the request or any other name reasonably known to this office.

The following documents are responsive to your request but will not be reproduced

1. 21st Century Report, January 1, 2024 – January 31, 2024
2. 21st Century Report, January 1, 2025 – July 3, 2025
3. Warrants Authorized by Agency, January 1, 2023 – November 30, 2023
4. Budget Request for FY 2024-2025 Memo (dated 07/17/2024) and attachments
5. Budget Request for FY 2023-2024 Memo (dated 09/10/2023) and attachments
6. Charges on Authorized Misdemeanor Case Report, 01/01/2023 – 12/31/2023
7. Charges on Authorized Felony Case Report, 01/01/2023 – 12/31/2023

These documents have already been provided to you in response to FOIA Request 25-94 and FOIA Request 25-195. As you have not provided any justification or need for the documents to be reproduced to you, the public body will not be producing theses records for a second time pursuant to *Densmore v Department of Corrections*, 213 Mich 363 (1994).

Appeal rights

If you are dissatisfied with this response, you may do one of the following:

- Appeal in writing to the chairperson of the Delta County Board of Commissioners. Your appeal must specifically state the word "appeal" and identify the reasons for reversal.
- Commence a civil action in Delta County Circuit Court within 180 days of this final determination.

If you prevail in an action, a court may order disclosure, award reasonable attorney fees, costs, and disbursements, and may award punitive damages of $1,000.00 if the court finds that the public body arbitrarily and capriciously violated the act.

Sincerely,

Emily DeSalvo
FOIA Coordinator
Assistant Prosecuting Attorney

Footnote as printed in the letter. "prosecutor Wickman was elected in November 2022 General Election, and was sworn in for her term starting on January 1, 2023."

Notice of Denial

Delta County Prosecutor's Office — FOIA Request 26-20

FOIA Request Number: 26-20

Date Received: 01/30/2026

Date of This Notice: 01/13/2026

Name and address of requester: REDACTED

Description of record requested: Total number of criminal cases filed from the prosecutor's election date through December 31, 2025.

Reason for denial

[ ] **1.** The record is exempt from disclosure under MCL 15.243, section _____.

[✓] 2. The record does not exist under the name given by the requester or by any other name reasonably known to the public body.

[ ] **3.** The record is exempt from disclosure in its entirety, and no portion of it is subject to disclosure, under section _____.

Box 2 is the only box checked on the form as issued. Boxes 1 and 3 are blank, and no subsection numbers are inserted in either.

Transcription note. This is a redacted transcription of the two-page denial letter dated February 5, 2026 and the one-page Notice of Denial form that accompanied it. The requester's identifying details are redacted. The text, the checked box, and the dates are reproduced as they appear on the originals. The form's "Date of This Notice" field reads 01/13/2026 on the original, a date that precedes both the request and the response.