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Response and Notice of Denial — 26-22

Delta County Prosecutor's Office · February 5, 2026

DELTA COUNTY PROSECUTOR'S OFFICE · Lauren M. Wickman, Prosecuting Attorney and Civil Counsel · Lauren Mattson, Assistant Prosecutor

February 05, 2026

NAME REDACTED
ADDRESS REDACTED

Re: FOIA Request #26-22

Dear REQUESTER:

I acknowledge receipt of your Freedom of Information Act request dated January 30, 2026, and received by the Delta County Prosecutor's Office on February 2, 2026. The request we received is as follows:

> ***Request for Aggregate Criminal Case Statistics***
>
> *Pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., I request disclosure of the following existing aggregate statistical information:*
>
> ***Request Record:***
>
> *Any existing document report, spreadsheet, or database output reflecting the overall conviction success rate of the Delta County Prosecutor's Office from the prosecutor's election date through December 31, 2025.*
>
> *If no such calculation is maintained, please indicate that no responsive record exists. This request does not require creation of a new record.*

Your request is **GRANTED IN PART, DENIED IN PART.** In granting in part and denying your request a review of existing records within the possession of or maintained by the Delta County Prosecutor's Office reveals that no "aggregate statistical information" document (in either a document report, spreadsheet, or database output) currently exists detailing the "overall conviction success rate of the Delta County Prosecutor's Office from the prosecutor's election [January 01, 2023][1] through December 2025." 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).**

As such, the request for such a record that currently exists containing the "aggregate numerical total" of "overall conviction success rate of the Delta County Prosecutor's Office from the prosecutor's election [January 01, 2023] through December 2025" is **DENIED** as the record does 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 record requested, and described above, does not exist within the records of the public body under the name nor any other name reasonably known to the public body.

However, your request for "aggregate numerical total" could be provided in the form of the underlying information that would allow for your own compiling of the "aggregate numerical total" you have requested. Given the breadth of your request and the number of records (review of approximately **1,100 files per year (2023, 2024, 2025)** submitted for review to locate dispositional documents) which must be searched for and reviewed to respond to such a request, 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[2] but include the significant time and cost for searching for and locating the records.

Because the estimated fee in this case is great[er] 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 **270 days** from receipt of the deposit to provide you with the responsible, nonexempt public records.

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

1. Please note that Prosecutor Wickman was elected in November 2022 General Election, and was sworn in for her term starting on January 1, 2023.

2. Please note that this FOIA Fee Itemization is identical to the FOIA Fee Itemization related to FOIA Request 25-21. Should a deposit be received on either the Fee Itemization for FOIA Request 25-21 or FOIA Request 25-22, it would be considered applicable to both FOIA Request 25-21 and FOIA Request 25-22.

Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 142 of 1976, MCL 15.231, *et seq.* · Delta County, 310 Ludington Street, Escanaba, MI 49829 · Phone: 906-789-5100

Request No.: 26-22

Date Received: 02/02/2026

Check if received via: ☐ Email ☐ Fax ☒ **Other Electronic Method**

Date of This Notice: 02/05/2026

Date delivered to junk/spam folder: `blank`

Reason for denial

☐ 1. The record does not exist.

☒ **2. The record does not exist.**

☐ 3. The record is exempt from disclosure under MCL 15.243.

Transcription note. The printed form labels both box 1 and box 2 with the words "The record does not exist." Box 2 is the box marked on the original. The third box, covering exemptions under MCL 15.243, carries pre-printed text referring to "information of a personal nature that would constitute a clearly unwarranted invasion of privacy" and to "names/address of defendants, witnesses, victims, etc." No subsection number is written into that box and no redaction was in fact applied to any record in this response, because no record was produced.

Signature: _____

Date: `handwritten date illegible on the scan`

Note on this transcription. This document reproduces the February 5, 2026 response letter and the accompanying Notice of Denial form. The requester's name and address have been removed from the letter. The signature and handwritten date on the denial form are not reproduced; the date is not legible on the scanned original and is not asserted here.