

Smarter Sentencing:

An All-inclusive Training Event for Criminal Justice Practitioners

Learning the Best Tips & Tricks from a Social Worker in Preparing a Case for Trial, Sentencing and Beyond

Jacqueline Ouvry

Assistant Defender, State Appellate Defender Office

Nicole George

Social Worker, State Appellate Defender Office

Moderator: Marla McCowan

Friday, September 19, 2014

12:30 p.m.

**Detroit / Wayne County
Criminal Advocacy Program
Coleman A. Young Municipal Center Auditorium
2 Woodward Ave
Detroit, MI 48226**

Presented by the Criminal Defense Resource Center of the State Appellate Defender Office and supported through a generous grant from the Michigan Commission on Law Enforcement Standards

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**Friday, September 12, 2014
Saginaw County Courthouse
Jury Assembly Room - Fourth Floor
111 South Michigan Avenue - Saginaw, MI 48602**

Presented by the Criminal Defense Resource Center of the State Appellate Defender Office and supported through a generous grant from the Michigan Commission on Law Enforcement Standards

Holistic Justice Approaches at Sentencing

Eight Easy Tips from the Social Worker's Toolbox:
Building Communication, Mitigation & Client-Centered
Representation Skills

Presented By:

Jacqueline Ouvry & Nicole George

*Assistant Defender & Social Worker, State Appellate Defender Office
Straddle Cell Sentencing Grant*

About the Presenters

Jacqueline Ouvry has over thirteen years of experience in the field of criminal justice, working both with crime victims and representing criminal defendants.

Jacqueline is an Assistant Defender at SADO currently heading the office's "Straddle Cell Sentencing Grant." Under the grant, Jacqueline exclusively represents defendants who are convicted of offenses that may be eligible for community-based or non-prison sentences. Jacqueline works with SADO's social worker to develop extensive sentencing mitigation and re-entry plans for defendants incarcerated in the MDOC who are facing resentencings where there is a real likelihood of a different outcome. As a member of SADO's Client and Public Outreach Committee, Jacqueline regularly speaks at SADO's "Family Outreach Night" and currently supervises a team of interns who are populating SADO's reentry service provider database. She is also a council member of the Prisons and Corrections Section of the State Bar.

Prior to joining SADO, Ms. Ouvry worked at LACASA as a Legal Intervention Project Coordinator. There, Jacqueline supervised advocates who provided resources and crisis intervention counseling to survivors of domestic or sexual assault. Jacqueline also co-facilitated a safety and accountability audit, and co-created "Stand Up, Speak Out," an annual event to raise awareness regarding sexual assault.

Jacqueline obtained her juris doctor from Wayne State University and a Bachelor of Arts from Michigan State University with dual majors in International Relations, and in Political Theory and Constitutional Democracy.

Contact Jacqueline at: jouvry@sado.org or 313-256-9833 ext. 2929

Nicole George is a Social Worker with the State Appellate Defender Office (SADO) in Michigan.

To date Nicole has worked with SADO as part federal and state grant funded projects related to straddle-cell sentencing and general sentencing advocacy. Under these grants, Nicole has represented defendants who are convicted of offenses that may be eligible for community-based or non-prison sentences. Nicole works with SADO's Assistant Defenders to develop extensive sentencing mitigation and re-entry plans for defendants who are facing resentencing where there is the real likelihood of improved outcomes for all parties.

Starting October 1st, Nicole will be the first Social Worker employed on a full time budgeted basis by SADO as a result of her successes advocating on behalf of her clients and the tremendous positive fiscal impact her work has provided to the State of Michigan.

Nicole received her Bachelors of Arts in Psychology in 2005 from Lewis & Clark College and has been extensively trained in Hakomi Somatic Trauma Release Techniques and Attachment Theory. She received her Master's Degree in Social Work in 2008 from University of Michigan where she focused on inter-personal practice and mental health. In May 2009 her research paper on "Metaphors of Madness" was presented at the meeting of the Association for Psychological Science in San Francisco, California. Prior to her work at SADO she worked in case management at Wolverine Human Services working with abused, neglected and sexually re-active young men, and then as a consultant at Professional Probation & Parole Consulting from 2008-2011. There she was trained in the practices and policies of the MDOC under 26-year employee of the MDOC, Kathleen Schaefer. She has worked with and represented clients for sentencing, parole board hearings, bond hearings, commutations and lifer interviews. She has presented at numerous trainings, which have included topics covering policies and practices of the MDOC, sentence mitigation, mental health, child development, trauma, attachment, re-entry and community safety & recidivism.

In her capacity as a member of SADO's Client and Public Outreach Committee Nicole regularly speaks at SADO's "Family Outreach Night" and is a co-creator of SADO's reentry service database. Nicole is an associate council member of the State Bar Prisons & Corrections section, a member of MDOC MPRI Re-Entry Work Group and CAPPS.

Nicole lives and works in downtown Detroit and is an advisory board member of Read to a Child Detroit.

Contact Nicole at: ngeorge@sado.org or 313-256-9833 ext. 2963

*Jacqueline and Nicole would also like to thank Marilena David-Martin for her work in developing several of these tips.

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Tip 1: Communicate Effectively With Your Client

Communication is the foundation of all sentencing mitigation. You must practice effective communication with your client to build trust and to gather information that you will present in court.

Topics that create mitigation are sensitive (substance abuse, past trauma, mental health issues, learning disabilities, etc.). You will have to establish great trust for your client to share these personal details with you in a meaningful and productive way.

How? What is effective communication?

- How you show up with the client makes a difference. The client is more likely to share this information with you if they feel they can trust you. To show them you can be trusted; listen to them, validate their concerns, show them you understand their feelings and have your actions match your words.
- Effective communication is active listening.
 - Active or empathetic listening is a communication technique that can build trust quickly.
 - Active listening involves ensuring that the speaker (the client) is understood.
 - Do this by reflecting the client's statements back to him, using statements like "I understood that you said..." "I heard you say..." "Sounds like you feel ___."
 - Active listening is not: listening with ears, taking copious notes, and capturing information. By focusing on understanding the client first, the client will share more, with little prompting from you.
- At your first meeting with client, (or soon after), you will want to make sure you ask for a brief background of life events, including but not limited to:
 - Personal accomplishments,
 - educational and/or military background,
 - work history,
 - involvement in community organizations,
 - religious affiliations,
 - substance abuse treatment
 - other classes or courses of treatment
- Ask the client who you could contact to receive copies of diplomas, transcripts, certificates, or other supporting documents for the above events. If client is out, ask him/her to start gathering these documents. This is the beginning of your mitigation evidence. [Use the table attached as **Appendix A** to help keep track].
- If the client is out and there is a clear need, advise the client to start attending counseling, anger management, treatment, church, or other classes or programs that will show the court that the client is ready for a change.

Tip 2: Assist in Preparing a Re-Entry or Post-Conviction Plan

This is where effective communication will get results. When your client shares information with you about needs or issues that brought them into the criminal justice system (alcohol, substance abuse, employment, housing, educational, or past trauma issues), you will be able to mitigate the issues.

This means that you can provide resources to your client to meet the needs and will be able to provide answers to a sentencing judge who has questions or concerns on these topics. In addition, your client has already begun to think about questions the parole board will likely have for him and will have a ready answer.

- Encourage your client to create a written “re-entry” or “postconviction” plan of their own. (See a re-entry checklist attached as **Appendix F.**)
- If you can hire a social worker, this is exactly where they can assist. The re-entry plan or checklist is meant to be both a way of organizing needs (so as to make sure to address them comprehensively) and a way of documenting resources the client already has to support their re-entry.
- On this checklist, the client will name the need (i.e., alcohol treatment), develop a plan (i.e., enter treatment) and a goal (i.e., complete treatment by specific date), and document efforts toward that goal (i.e., called Alcoholics Anonymous on this date, attend 3 meetings this week, found residential treatment at this location). Such checklists, especially when developed by the client themselves, can demonstrate initiative and insight, which can make a difference for your client.
- If you cannot hire a social worker, you can use the “Locate a Reentry Resource” function on the SADO website to find a resource in your area. <http://www.sado.org/locate/reentry>
- This plan will be helpful to client at the time of sentencing (to show the judge of the insight, thoughtfulness, and forward thinking) and at the time of parole eligibility for the same reasons.

Tip 3: Gathering Client Information, Resources and Support

- Prior to your first meeting with your client you can start gathering information and building trust through your introductory letter to your client. **Appendix B** is an example of how the SADO Social Worker uses her introductory letter to start gathering helpful information that assists with working with the client and in preparation for Court. **Appendix C** has a sample release form you can get signed to request documents and two examples of letters to request documents from the MDOC.
- At your first meeting, you can answer questions about the packet sent and fill in blanks regarding questions you may have and names and contact info for past employers, teachers, friends and family members who may have something positive to say. Early on, contact those people via letter, phone call or email to introduce yourself. Ask if they are willing to write a letter if one is needed down the line. Tell them you will give them guidance on how to write the letter and will send them information.
 - Use the table attached as **Appendix A** to help keep track of individuals and their contact information, whether they are willing to help or not, and what your next step with them needs to be.
- After you have contacts in place, provide those willing to help with guidance on how to write a letter of support for sentencing. Templates are attached as **Appendix D**, along with a sample cover letter you may consider sending with additional instructions.
 - By providing this guideline to supporters, you can take any potential “writer’s block” away from them and greatly increase the likelihood that supporters will not only write a letter of support, but write a great letter of support. (See **Appendix E** for two sample letters of support that were written after the supporters received the guidelines in Appendix D).
- **When should you get the ball rolling on this?**
 - At least two months before sentencing.
 - If you are tempted to wait until the jury reaches a verdict or a plea deal is made, then you may not have enough time to get what you need. On the other hand, if you start too early and the client ends up being acquitted, or charges dismissed, then you may have wasted your time and others’.
 - If you are pressed for time and are not able to start doing this until after the verdict/plea, then consider asking for a sentencing date two to three months out in order to give you time to make contact with supporters, gather letters of support and put it all together in a memo (See Tip 5). Of course, you would only do this if the client is getting credit for the time he is spending in jail and has given you the okay to delay sentencing.
- Ask supporters to attend the sentencing. Prep them on how to dress (professionally, not offensively, no brands, logos or hats) and act (polite, respectful, and calm).

****Note: Letters of support should always be sent directly to you, the attorney, and not to the judge. You will then attach the letters to a sentencing memorandum (Tip 5) that you will present to the judge prior to sentencing.*

Tip 4: Prepare Your Client for Their Likely Sentence

You should always prepare your client for what to expect at sentencing. Being sentenced is a scary thing. Attorneys can help ease the fear, at least a bit, by providing the client with helpful information.

What to expect on Probation:

- Probation conditions can change at any time and for any reason.
- Probation costs money. Supervision fees and costs of probation vary. Brush up on permissible supervision fees by reading MCL 791.225a and on probation conditions and costs by reading MCL 771.3.
- The length of a probationary term can vary. If there is a mandatory probationary term required for a certain offense, inform your client of that. (See MCL 771.2a).
- Warn your client that the conditions of probation can usually encompass anything and the possibilities seem endless. But also be aware that conditions of probation should not be applied arbitrarily and should be reasonably related to the particular client and offense.

When on probation, advise your client to:

- Interact positively and cooperate fully with their probation agent.
- Ask questions if they do not understand a condition of their probation.
- Always alert the agent of any change in address, schedule, or if the client is experiencing hardships complying with a certain probationary term.
- Advise the client as to what they should do if violated and whether the attorney will represent if violated.

What to Expect when Imprisoned:

- Prior to Sentencing:* Advise the client to amend child support (**see Appendix E**), prepare guardianship papers, think about pensions or 401k funds, or benefits.
- What the Client Can Expect at First:*
 - The client will first be taken to Quarantine in Jackson and receive a physical, screening for programming needs, and a security level.
 - It is important for clients to be honest at Quarantine during their evaluation. The recommendations that come from this initial assessment will follow the client throughout their prison stay.
 - Clients will at first be placed in a Security Level IV facility, but will later be moved into a facility that matches their security level. Good behavior can improve one's security level. Housing situations vary from Level to Level. Level V = single cell, Level IV = double cell, Level I and II = open bays, with up to eight "bunkies."
- Behavior Inside Matters:* Behavior inside can affect a future appeal and parole release. Take 5 minutes to tell your client about tickets and misconducts, and that programming can mean going home more quickly (getting paroled on time). See **Appendix H** for the American Friends Packet to Prepare Client for Parole

Prepare your client's families by:

- Informing them of SADO's Friends and Family Night. We provide regular informational sessions and a packet at:<http://www.sado.org/Articles/Article/119>.http://www.sado.org/content/pub/10094_Self-Help-Packet.pdf **Appendix I**

Tip 5: Prepare an Effective Sentencing Memorandum

You should consider filing a sentencing memorandum in every case. Judges love to receive sentencing memos given that they don't receive them (or good ones) very often and because it will provide the judge with support for a lenient decision if the judge is inclined to give one.

- Here is where all of your hard work will pay off. The memo practically writes itself if you have followed some of these tips and have gotten a jump on mitigation. You will have already: figured out the client's support system, obtained letters of support, obtained copies of important documents, such as diplomas, certificates of completion, employment verification, etc., and gotten an idea about your client's remorse and future plans.
- Now you need to put it all, and more, in writing:
 - Begin with the positive information you have gathered. Talk about positive school records, positive jail behavior, positive employment history, and other accomplishments.
 - If client has been out on bond, tell the court of the positive things client has accomplished while the case has been pending (e.g., completed anger management, attended AA meetings, joined a church, volunteered at a shelter) and support those things with documents when applicable.
 - Reference the client's support system and quote the most compelling portions of the letters of support. (Never assume a judge will read all appendices. Always quote in the body of the pleading anything from an appendix that you want the judge to read).
 - Talk about your client's background and unique life obstacles in order to give context to why your client may be having criminal problems.
 - Object to guideline scoring errors and presentence report errors in the rare case that you have received such information in advance.
 - And very importantly: Ask for a particular sentence if you have an idea what the guideline range will be and explain to the judge why you think that particular sentence is appropriate.
- See two sample sentencing memorandums attached as **Appendix J**. (The first was prepared without the use of a social worker and the second was prepared in a case where SADO's social worker assisted in mitigation).
- **Timing:** The sentencing memo should be filed at least a week before sentencing. Make the filing of a sentencing memo routine in every case by marking the due date (one week before sentencing) on your calendar as soon as the judge gives you the sentencing date.

Tip 6: Help Your Client Talk Genuinely about the Crime

You can obtain better results when your client provides a well-prepared allocution, rather than if he were to remain silent or simply state, "I'm sorry for taking up everyone's time." Many clients will need guidance to provide meaningful allocution. And, it is much better for the client to have a conversation with you than to never practice. So start early and spend time with your client to prepare him or her to speak effectively at the time of sentencing.

How should you prepare your client for allocution?

- Discover the theme of allocution and let that guide you in preparing your client.
 - Remorse/Empathy/Responsibility – This is the best allocution, but it has to be genuine and meaningful. Use communication skills and ask client who says, "I have remorse," or simply, "I accept responsibility" what that means. How would they feel in victim's place? How do they think the victim feels? How will they show acceptance of responsibility? Use open ended questions, and when you hear something positive and that might be helpful at sentencing, encourage the client to "go with that."
 - Innocence: Usually it is best for the attorney to take the blow when a client needs to assert innocence during allocution. This means informing the court that you have advised the client not talk about facts, the trial, or to the victim. This is especially important if client asserted innocence during trial and you have concern of a possible perjury charge if things differ at sentencing. In this case, a client can still talk about how they will use the criminal episode as a moment for positive change, and how their future (even in prison) will be better than the past. You can also work with your client to find an element of the offense in which they can take responsibility. Depending on the offense and the client, a resulting statement may be: *"I am responsible for living a lifestyle that would put me in a position to be believed guilty of this offense."*
 - Forward thinking/Need to change behavior – A forward thinking or insightful allocution is great for cases involving any substance abuse and/or probation violation cases. In these cases, the court and the prosecutor are often asking "Why is this time different?" A forward thinking allocution answers that question. The client will discuss exactly what is different this time, what are the different actions the client will take in the future or what was different about this crime to force a change in future thinking.

- You have to help the client develop these themes, but the ideas and feelings have to come from the client. Let the client talk and you listen the first time through for a theme, then practice, practice, practice and encourage a theme that fits your strategy. Client may need encouragement especially to talk meaningfully about remorse, responsibility, and empathy.
 - Anything the client says must be genuine and also must balance with case strategy (5th amendment issues, innocence, self-defense, etc.)
 - This is why it is important to do a run-through with your client. You will want to help your client say the right things by turning negatives to positives without putting words in your client's mouth.

- Prep the client on how to appear in court (professional dress, no gum chewing, respectful demeanor, intentional listening).

- The client should use what he or she learned with you in practice for addressing the probation agent at the time of the presentence report interview. Inform your client to be respectful and cooperative with the agent, which can go a long way.

Tip 7: Take Time with the Presentence Report. It's Important!

The Presentence Report (PSR) is a very important document that the MDOC and Parole Board rely on very heavily to determine programming and other needs and prospects upon release. That is why it is extremely important for the PSR to be accurate regarding the client's background and the facts of the case. Be ready to make objections or suggest helpful changes.

- Get your hands on the PSR as soon as possible. MCR 6.425(b) requires that you receive a copy at least 2 days before sentencing. Calendar this date. If you do not have the PSR at least 2 days before sentencing, ask for an adjournment if you need the time.
- You may even want to try to get the PSR earlier than that in special circumstances if the case warrants. A written letter request to probation at least 2 weeks before the sentencing date may help.
- Prepare your client to be cooperative and respectful of the probation agent at the time of the interview. The work you did for allocution prep will pay off here.
- Go over the PSR *in full* with your client. If the agent states that something could not be verified, such as work history or high school graduation, then have your client or his family bring supporting documents (pay stubs, diploma, etc.) on the day of sentencing and make sure the report is updated.
- Ensure the Agent's Description of the Offense is accurate. Compare it to police reports and ensure the agent painted a full picture and did not just pick out the most damning evidence.
- Go over the Sentencing Information Report (SIR) and explain to your client why each variable is scored the way it is, especially the Prior Record Variables. Your client knows his criminal history better than anyone and may have information that will lower the score (e.g., scored for a low severity felony that was actually pled down to a non-scorable misdemeanor).
- Do not agree that the PSIR is accurate if you have not thoroughly reviewed it with your client.
- If there is something inaccurate in the PSR and you need to look further into it (such as problems with the criminal history section), ask for an adjournment.
- Double check credit for time-served by using an online Time Calculator.

The MDOC's Policy Directive (06.01.140) on Presentence Report Compilation can be found at: http://www.michigan.gov/documents/corrections/06_01_140_396739_7.pdf

Tip 8: Prepare for the Hearing: Your Allocution

An attorney's job is not over after the verdict or plea. Your job as an advocate extends into the sentencing hearing, the most critical part of the criminal proceeding for your client.

- Be prepared. Know the facts of the case cold. Use these facts to make proper objections to the guidelines and in support of a sentence recommendation.
- Know the bad facts of the case and about your client's history and be prepared to deal with them. What will the prosecutor argue regarding guidelines, criminal history, remorse? Be prepared with thoughtful responses.
- You spent a lot of time and effort in pulling together that sentencing memorandum, so talk about it. Highlight the most compelling points that factor into your client's willingness to change.
- If the guidelines call for an intermediate sanction, be prepared to recommend community sanctions and put some thought into your recommendations.
- Make a sentence recommendation and have reasons why you are recommending such a sentence.
 - Did the complainant say they would be happy with the low end of the guidelines? What did the client's co-defendant get for the same offense? How culpable was your client?
 - Find out beforehand if the prosecutor will object or not to your sentence recommendation. If they agree to stay silent on sentencing, tell the judge that the prosecutor does not object to your recommendation.
 - If client is a habitual, advise the court that it is not required to sentence the client as such if you have a good argument for why the judge shouldn't. (For example, if 4th habitual status occurred because of 3 concurrent felony convictions stemming from one incident, you can argue equity—that the purpose of habitual status is to punish those that don't change their behavior. There is no chance to change if habitual status resulted from the occurrence of one offense, so the court shouldn't punish as harshly).
- Talk about your client like you like him or her. Speak well of your client and do everything you can to humanize him for the court. If you don't, no one else will!
- Ask people who support your client to attend the sentencing. Know their names, meet them ahead of time, and tell judge of their presence. Prepare them on how to dress (professionally), act (respectfully) and let them know that the judge may want to hear from them.

Appendix A

Contacts Table

Contacts for Defendant Smith

Contact	Contact Info	Willing to help with letter of support?	Willing to come to sentencing?	Notes
Richard and Joe, Sons				Sent ltr of support guidelines 10/7/13 Rcd ltr of support 10/30/13
Ruth and Willie, Cousins		Yes. Also asking neighbors who know client.		
Dorothy, Sister			Depends on date	
Ally, Employer		Y	Y	

Appendix B

Sample Re-Entry Checklists

Re-Entry Checklist

Be as specific as possible when answering these questions and give details. Pull everything together in one document, including addresses, schedules, dates, and future plans. This will help you at the time of sentencing and for the time of parole. Think of other areas that need to be addressed but might not be included here.

- Housing
 - Address, who lives there, why is it a good environment?
- Employment
 - Where will you look for work? Where have you applied? Why did you choose a specific employer? How can working there benefit you? How will you get there each day?
- Education
 - What do you want to do with your life? Do you want to learn a skill, trade, or specific curriculum? How will you pay for it? How will you get to class?
- Identification
 - Do you have a license or State Id-Card? Social Security Card? Birth certificate? VA card?
- Health Care/Medications, including Dental, Vision and Mental Health
 - Do you have health concerns? How will you get proper medical care, medications or treatment?
- Transportation
 - Do you drive? Have a car? Bike? How will you get to your job, school, probation or parole agent? Can you ride the bus?
- Substance Abuse Treatment
 - Where will you attend counseling? How frequently? How will you get there? Why do you think it is important to attend?
- Money Management
 - Do you have a bank account? Are you receiving social security or veteran's assistance? How much money can you realistically expect to save? Create a realistic budget and account for all bills.
- Life Skills (computer skills, resume writing)
 - What skills do you have? What skills do you hope to gain? How will you do so?
- Positive Peers
 - Do you have influential people in your life? Why are they positive to you? What can you learn from them? How can you try to be more like them?
- Plans for productive use of free time
 - Be specific about how you plan to use your free time productively. What will you do on your day off? Instead of playing video games, why not babysit your nieces and nephews? Or help a neighbor with yard work? This is not only good for your morale, but shows that you are trying.

RE-ENTRY CHECKLIST:

<u>GOALS</u>	BEGUN	IN PROCESS	COMPLETED	NOTES	CONTACTS
Housing					
Mental Health Services __ contact counselor __ schedule appointment					
AA/NA/Anonymous Services __ contact sponsor __ create meetings schedule					
Employment __ contact potential employers __ interview skills __ arrange transportation					
Health Care Benefits					
Health Care __ complete physical __ medications __ dental __ vision					
Transportation __ bicycle maintenance __ bus tickets/schedules __ driver contacts					
Food/Clothing/Phone __ bridge card- <i>food stamps</i> __ safe link cell phone					
Income Support/Benefits					
Documents __ state ID __ driver license __ social security card __ birth certificate					
Life Skills __ computer training					
Education __ PELL grants					
Career Goals __ contact professionals __ research career path __ intern					
Money Management __ open bank account __ create budget __ investment/savings					
Community Service __ partner w/organization __ schedule volunteer times					

Appendix C

Sample Introductory Packet Sent by SADO Social Worker

STATE APPELLATE DEFENDER OFFICE

DAWN VAN HOEK
DIRECTOR

JONATHAN SACKS
DEPUTY DIRECTOR

www.sado.org
Client calls: 313.256.9822



MAIN OFFICE:
PENOBSCOT BLDG., STE 3300
645 GRISWOLD
DETROIT, MI 48226-4281
Phone: 313.256.9833 • Fax: 313.965.0372

LANSING AREA:
Phone: 517.334.6069 • Fax: 517.334.6987

DATE

CLIENT NAME MDOC # PRISONER NUMBER
CLIENT ADDRESS

Dear CLIENT,

This packet is for clients who have the possibility of receiving a re-sentence or have already been granted a re-sentence.

Enclosed you will find:

- Informational pamphlets regarding victim's issues.
- Informational pamphlets regarding empathy and communication methods (LARA etc.)
- Detailed questionnaire to be completed and prepared **with relevant documents as indicated in the questionnaire.**
- Re-entry Checklist to Prepare for Thinking About What you Will Need Upon Potential Release
- A list of books, which are Highly Recommended
- Support Letter Templates to Send to Friends, Family, Community Member and Potential Employers. One is for general support letters and one is for employment support letters.

This is a process:

- The first step is to read all of the information included in this letter.
- Secondly, obtain your PSI and carefully read it.
- Third, please carefully respond to the questions on the included questionnaire and fill it out to the best of your ability at this time. Practicing answering these questions will help you form your thoughts to assist you to answer questions should you be called for your re-sentencing hearing or for when you are called for your re-sentence hearing. Please also fill out the Re-entry checklist to the best of your ability at this time.
- Lastly please make a copy of your answers and have them available for your records and send us the originals.

Below you will find a description of issues victims experience as a result of assaultive behaviors. This information assists clients to understand the harm they have caused others as well as any harm that they may have experienced against themselves in their own lives.

Also included is a book list of recommended reading and informational sheets regarding effective communication styles (LARA Method), empathy and non-violent communication.

Please read these thoroughly, start making your way through the book list and note any questions or things you learn. This is also a good time to start reaching out to your support network and organizing who you would like to ask to write support letters for you.

I hope this letter finds you well and in good spirits.

Sincerely,



Nicole George
Social Worker
SADO

VICTIMS ISSUES

Victims of assault experience physical, emotional, and mental symptoms that affect their lives in negative ways. These symptoms are often a result of the severe violation of their physical and mental power, control, safety and trust. The following are behaviors and symptoms that victims may experience after an incident of assault. These behaviors may occur individually, although a victim most commonly experiences more than one or all of the below behaviors to some extent. You will see that some symptoms are common with more than one behavior.

***Anger difficulties** occur when a person has the inability to feel sad or angry about both the sexual assault itself and other life events in which anger would be a natural response. Anger difficulties also include inappropriate expressions of anger or constant states of stress on the body or mind because of unresolved anger.*

***Posttraumatic Stress Disorder (PTSD)** is a psychological condition effecting people who have suffered severe emotional trauma, such as assault. The symptoms of this condition can have a very negative impact on the life of the victim.*

***Dissociation** is the feeling of numbness or disconnectedness that a victim may experience. This happens when a victim tries to block out the pain of the sexual assault and as a result they block out everything.*

***Eating disorders** occur with victims of all sizes and include refusal to eat, overeating, and vomiting after eating. Eating disorders often occur as a way for the victim to ease pain through self-medicating through food and taking back control of their body through over-management of food. Victims with eating disorders often hate their bodies, because they sub-consciously feel like it is their body's fault that they were sexually assaulted.*

***Self-blame** is when the victim feels like it is their fault that they were sexually assaulted, as if some aspect of them caused the incident and the following pain to occur.*

Emotional dysregulation is a victim's extreme and often inappropriate experience and expression of emotion.

Trust Impairment occurs because a victim's trust of others and their ability to protect themselves has been violated due to violation of sexual assault.

Social withdrawal occurs when an assault victim avoids interacting with others because of the overwhelming feelings and emotions associated with their assault.

Self-injury occurs when victims harm themselves, physically, mentally and/or emotionally as a way to distract from the pain of the sexual assault or because of the trauma of the sexual result.

Anger Difficulties

Anger difficulties occur when a person has the inability to feel sad or angry about both the sexual assault itself and other life events in which anger would be a natural response. Anger difficulties also include inappropriate expressions of anger or constant states of stress on the body or mind because of unresolved anger.

1. Sudden unexpected rage
2. Suppression of anger causing depression, self-destructive behavior & physical symptoms
3. Dissociation: meaning to disconnect themselves from any feelings of anger
4. Explosive, aggressive actions leading to assaultive acts or property destruction
5. Overreactions of hostility to insignificant irritants
6. Use of verbally abusive language
7. Body language or tense muscles (clenched fist or jaw, glaring looks and no eye contact.)
8. Passive aggressiveness: Indirectly resisting others demands to avoid direct confrontation

Posttraumatic Stress Disorder (PTSD)

Posttraumatic Stress Disorder (PTSD) is a psychological condition effecting people who have suffered severe emotional trauma, such as a severe assault. The symptoms of this condition can have a very negative impact on the life of the victim.

1. Distressing thoughts, images or sensory flashbacks that relive the traumatic event
2. Disturbing dreams associated with trauma
3. A sense that the events are reoccurring, as in illusions or flashbacks
4. Intense distress when exposed to reminders of the abuse
5. Physical reactions when exposed to reminders that symbolize the assault
6. Avoidance of thoughts, feelings, or conversations about the trauma
7. Avoidance of activity, places, or people associated with the trauma
8. Inability to recall some important aspect of the sexual abuse
9. Lack of interest and participation in significant life activities
10. A sense of detachment from others
11. Inability to experience the full range of emotions, including love
12. A pessimistic, fatalistic attitude regarding the future
13. Sleep disturbance
14. Irritability

15. Lack of concentration
16. Exaggerated startle response
17. Sad or guilty feelings and other signs of depression
18. Alcohol and/or drug abuse
19. Suicidal thoughts
20. A pattern of conflict, especially in intimate relationships
21. Verbally and or/physically violent threats or behavior
22. Inability to maintain employment due to authority/coworker conflict or anxiety symptoms

Dissociation

***Dissociation** is the feeling of numbness or disconnectedness that a victim may experience. This happens when a victim tries to block out the pain of the trauma/assault and as a result they block out everything.*

1. Disconnectedness or detachment from or outside one's mental processes or body
(It is like being a completely empty body, numb to physical and emotional feelings)
2. Inability to remember important information regarding the traumatic sexual abuse
3. Feelings of dreaminess, where the environment feels unreal, strange and unfamiliar
4. Inability to recall past, resulting in identity confusion or assumption of a new identity
5. Existence of two or more distinct personalities that take full control of one's behavior

Eating Disorders

***Eating disorders** occur with victims of all sizes and include refusal to eat, overeating, and vomiting after eating. Eating disorders often occur as a way for the victim to ease pain through self-medicating through food and taking back control of their body through over-management of food. Victims with eating disorders often hate their bodies, because they sub-consciously feel like it is their body's fault that they were assaulted/traumatized.*

1. Chronic, rapid consumption of large quantities of high-carbohydrate food
2. Self-induced vomiting and/or abuse of laxatives due to fear of weight gain
3. Extreme weight loss (think skeleton with skin) with refusal to maintain a healthy weight
4. Eating less than 400 calories, secret eating and excessive exercise
5. Persistent preoccupation with body image related to grossly inaccurate image of body
(Think skeleton with skin saying "I am so fat," constantly)
6. Irrational uncontrollable fear of becoming fat
7. Nutritional, physical and mental imbalance
8. Strong denial of seeing self even though severely under recommended weight
(AGAIN...think skeleton with skin saying "I am so fat")

Self-Blame

***Self-blame** is when the victim feels like it is their fault that they were sexually assaulted, as if some aspect of them caused the incident and the following pain to occur.*

1. Constant recurring thoughts of blaming self for the abuse/trauma

2. Inappropriate feelings of guilt and shame; viewing self as damaged goods
3. Persistent feelings of being alone and isolated
4. Constant feelings of hopelessness, worthlessness, or inappropriate guilt
5. Low self-esteem
6. Avoidance of social relationships because of deep sense of shame about self

Emotional Dysregulation

Emotional dysregulation is a victim's extreme and often inappropriate experience and expression of emotion.

1. Extreme reactions to small stresses that can last a few hours to a few days
2. Frequent eruptions of intense, inappropriate anger
3. Chronic feelings of emotional vulnerability
4. Impulsive behaviors self-damaging behaviors as a way to deal with painful emotions
5. Recurrent suicidal gestures, threat, or self-mutilating behavior
6. A history of intense, chaotic interpersonal relationships
7. Constant feelings of emotional vulnerability
8. Easily believes others are unfair and can't be trusted
9. Difficulty coping with stress/frequently blames others for making unreasonable demands
10. Set unrealistic expectations and goals for self, feeling shame and guilt when they fail
11. Becomes very anxious with any hint of perceived abandonment in a relationship

Trust Impairment

Trust impairment occurs because a victim's trust of others and their ability to protect themselves has been violated due to violation of sexual assault.

1. Constant distrust of others
2. Expecting to be used or harmed by others
3. Expecting to be shunned by others because of shame regarding the sexual trauma
4. Social and emotional isolation out of fear of being hurt
5. Avoiding emotional connection to others leading to a pattern of unhealthy relationships
6. Lack of positive support network
7. Excessive involvement in activities (work, school etc.) to avoid being close to other people
8. Difficulty judging the trustworthiness of others

Social Withdrawal

Social withdrawal occurs when an assault victim avoids interacting with others because of the overwhelming feelings and emotions associated with their assault.

1. Avoiding others because of anxiety, fear, shame, mistrust, or feelings of inadequacy
2. Intense worry about interacting with others in a social environment
3. Social anxiety, shyness, or timidity that presents itself in most social situations
4. Isolation or involvement in solitary activities during most waking hours

5. Constantly being on edge when around other people
6. Panic, fear, increased heart rate, sweating, muscle tension, and shakiness when with people
7. Substance abuse to help avoid or ease the anxiety of being social or with people

Self-Injury

Self-injury occurs when victims harm themselves, physically, mentally and/or emotionally as a way to distract from the pain of the assault or because of the trauma.

1. Burning, cutting, scraping flesh, hitting, or bruising oneself
2. Use of self-injury to reduce negative feelings
3. Pattern of self-mutilation despite physical harm
4. Extreme emotional reactions (anger, anxiety, or depression) under minor stress
5. Chronic feelings of emptiness and boredom
6. A pattern of intense, chaotic relationships
7. Easily feels others are unfair and can't be trusted
8. Identity issues
9. Very anxious at any hint of abandonment



AMERICAN FRIENDS SERVICE COMMITTEE

1414 Hill Street, Ann Arbor, Michigan 48104 · Phone: 734/761-8283 (Voice/TDD) Fax: 734/761-602

RESPONDING TO COMMENTS OR QUESTIONS (the LARA Method)

(Note: Most of us tend to start with step three, especially if the question or comment is a hostile or threatening one.)

STEP ONE: LISTEN

In a debate, when you're listening to your opponent, you listen until they get their facts completely wrong and you can use the real facts to make a fool of them. Instead, in LARA, listen until you hear the moral principle that they're speaking from or a feeling or experience that you share. Listen until you find a way in which you can open your heart and connect with them.

Try to understand what lies at the core of the question: the fear, the uncertainty, the anger, the frustration, the truth offered by the person talking to you. What might their voice inflection or emotional state tell you? What assumptions might their question demonstrate? If you know the person, this may help you answer these questions, but it's still important to listen carefully.

What do they really want to know? What is legitimate? If you believe that they don't really want to know anything, but are just attacking you, consider what part of their question might be considered reasonable by others in the audience (or within earshot, if you're not formally speaking to a group).

It's also important to listen to what the person is actually saying. In trying to understand what might be behind the question or comment, we don't want to miss what the person literally said.

STEP TWO: AFFIRM

This is the step we don't usually think about in a conscious way. Express the connection that you found when you listened, whether it's a feeling, an experience, or a principle that you have in common with the other person. Affirm whatever you can find in their question or statement(s) that represents a reasonable issue or a real fear. If you can't find anything (and we'll help you get better at finding something), there are other ways to affirm. The exact words don't matter—the important part is to convey the message that you're not going to attack or hurt the other person and that you know that they have as much integrity as you do.

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To actually be affirming, this step must be genuine, rather than "sweet" or "slick" talking. It's also generally best to speak spontaneously from the heart rather than to develop "pat" answers. Share of yourself.

Affirming is not a natural process for many of us, but it gets easier with practice.

STEP THREE: RESPOND

We often start here. Wait. Listen. Affirm.

Debaters, politicians, (and sometimes the rest of us) often avoid answering the question that was asked and answer a different question in order to stay in control of the situation, not lose the debate, etc. Instead, in LARA, answer the question. Respond to the issue the person raised. If you agree with them, say that too, even if it feels like you're giving up some ground. By doing this, you're conveying the message that you're not afraid of the other person and that their questions and concerns deserve to be taken seriously. If you don't know the answer, say so. Refer them to other sources if you have some or tell them you'll find out the answer if that seems appropriate.

Sometimes it seems that the person does not really want information but is simply trying to fluster you or attack you. Reacting with respect rather than defensiveness or anger is important; it shows respect when a question or statement of this nature is addressed rather than "blown off."

Personal insights and experiences often reach people in a way that abstract facts do not.

STEP FOUR: ADD INFORMATION

Step four gives you a chance to share additional information that you want to give the person. It may help the other person or the audience consider the issue in a new light or redirect the discussion in a more positive direction. This is a good time to state whatever facts are relevant to the question the person asked. This may involve correcting any mistaken facts they mentioned; you can do this now because now that you've made a heart connection, the other person is probably more open to hearing your facts than they would have been if you had started there.

Some other possibilities include offering resources (such as books, organizations or specific people) or adding a personal anecdote.



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The Practice: Responding to Questions

STEP ONE: LISTEN

Try to understand what lies at the core of the question: the fear, the uncertainty, the anger, the frustration, the truth offered by the person talking to you. What do they really want to know? What is legitimate? If you believe that they don't really want to know anything, but are just attacking you, consider what part of their question might be considered reasonable by others in the audience.

STEP TWO: AFFIRM

Affirm whatever you can find in the question that represents a reasonable issue or a real fear.

STEP THREE: RESPOND

Give the people the information they are seeking. If you don't know the answer, say so. Refer them to sources if appropriate.

STEP FOUR: ADD INFORMATION

Add information that will help the audience consider the issue in a new light, or that will redirect the discussion in a more positive direction.

BEGINNING PHRASES FOR AFFIRMATIONS

We are all concerned about...I know I am.

I share your concern about...

I understand your reluctance to sign on to something that seems...

I understand why...

No one wants to ...

We all have rights/beliefs that are important to us...

We all care about...

We all want to insure that...

I agree with you about...

I think you are right about...

This is something that concerns all of us...

LARA and Empathy

Effective listening is one of the most important qualities of being an ally. This is a skill that does not necessarily come naturally. Being an effective listener is different from everyday conversation or speaking.

Effective listening includes:

- Setting aside your own agenda while someone else is speaking
- Hearing what people mean, not just what they say
- Responding to a speaker's feelings

Empathy is an important component of effective listening.

Empathy versus Sympathy:

- Empathy: Perceiving and responding to the feelings of another person while remaining in touch with your own feelings.
- Sympathy: Losing touch with the feelings of the other person by reacting to your own feelings. Sympathy is something you feel.

Empathy also involves **reflective listening**. You listen for a feeling, relate to that feeling, and then reflect or restate that feeling back.

Reflective statements consist of three parts: the **prefix**, the **feeling word**, and the **source of the feeling**.

The **prefix** is a phrase that communicates the listener's impression or interpretation of what the speaker is feeling. For example:

It sounds like you feel... *I'm wondering if...* *I sense that you feel...*

I hear what you're saying... *What I hear you saying is...* *It seems like you feel...*

The **feelings** are usually the reason the person is approaching you. Sometimes it will not be certain what he or she is feeling, but he or she knows that it is causing them distress or anxiety.

Keys to naming feelings:

- Be precise.
- Do not back away from stating a feeling.
- Do not use minimizers or maximizers (For example, a little angry, kind of mad).
People either have feelings or they don't.
- Trust your perceptions.
- Incorporate the word "feeling" before you state the feeling word. (For example, "It sounds like you are feeling angry".)

The **source** completes the empathetic response. Whatever the problem may be, some part of the problem is in the source of the feeling. Always focus on the person, not a third person. For example:

- It seems to me that you're feeling betrayed by your friend.
- It sounds like you're feeling confused about what to do next.
- You sound like you're feeling really angry about the situation with your mother.
- I'm hearing that you're feeling disappointed about the situation with your brother.

(Adapted from Ozone House, Inc. 2005)

Five Key Elements In Using Speech As Nonviolent Action

1. Take away the threat; create a safe space

Gandhi's message – Ahimsa – “I will not harm you”

Try to set a tone. “We are not here to attack each other.”

Deeper, paradoxical message – You will not harm me. Does not come from raised voice, superior logic but from confidence that the truth of your message will speak for itself if put forth with clarity and compassion.

2. Underlying this message “I will not harm you,” establish—to the extent you are able—a profound respect for the other in your own heart

Quakers talk about “speaking to that of God in everyone.” If you prefer non-religious language, think about speaking to the goodness or the deep humanity in the other person.

It helps if you try to understand how the other person might be seeing the world.

This is very hard sometimes—and harder for some of us than for others

This process can be used selectively or as a philosophy of life, but either way, it's important to be as genuine as you can.

3. Allow the other person some moral ground to stand on

Assume they're trying to do the right thing.

Think about experiences you may have had from the other side and how it feels to have someone assume they are entirely in the right and you are wrong, immoral, etc.

If you treat people this way, it allows everyone to leave with a sense of dignity

4. Make connections, find common ground

Think about values and feelings you probably have in common. With people you know, things specific to them. With people you don't know, general things such as the following (see manual for more):

- not wanting to discriminate unfairly
- caring about safety of children
- awareness of many serious problems in society; sense of things being out of control

Share yourself—personal feelings, stories. Become a real human being
Open your own heart.

5. Most people don't want to hurt another person without justification and resistance

Let them know how you or others have been hurt; share your pain—while keeping the core of your being intact

Don't blame. Place blame elsewhere—institutions, history, other people.

Assume they are a decent human being who will surely want to help relieve the pain of injustice and discrimination once they understand it.

Leave room for them to join us with their dignity intact.

American Friends Service Committee
Lesbian, Gay, Bisexual & Transgender
Issues Program
1414 Hill St., Ann Arbor MI 48104
734-761-8283

5/01

Questionnaire: *CLIENT NAME, MDOC#PRISONER NUMBER*

15. PERSONAL HISTORY:

- List 5 major disappointments in your life that you can remember beginning with your childhood. Describe the emotional wounds you recall feeling at the time.

a. Family:

- Describe your upbringing, your relationship with each parent and/or “parental figure”, and your relationship(s) with siblings. Indicate and describe any physical, emotional or sexual trauma (from family or otherwise).

b. Education:

- Describe your educational background. How far you went in school, include any college credits completed with dates attended. Identify the area of study. Also note any special achievements or academic or athletic awards.

c. Employment:

- Describe your work history, before and during incarceration. Please list any marketable skills, trades and talents. Attach resume if you have one.

d. Substance Abuse/Mental Health/Physical Health:

- Describe your physical, mental health or psychiatric history – treatment, medications etc.

g. Military Service:

- Do you have a history of military service? Who did you serve with? Under what conditions were you discharged. If you have them please attach discharge documents when you return questions.

16. INCARCERATION:

a. Current Custody/Management Levels:

b. Historical Custody/Management Levels:

c. Risk Factors/Insight:

- What are places or things in your environment that trigger criminal behavior (going to bars, guns, engaging with negative peer groups, drugs etc.)? Please be detailed.
- What emotions and behaviors trigger criminal behavior (feeling threatened, stress, boredom, dishonesty, resentment, anger etc.)? Please be detailed.

d. Tickets:

- List any major misconduct violations, the dates, charges and whether you pled guilty. Were you ever in segregation? If so, describe the circumstances. How many times has your security classification been increased?

Questionnaire: *CLIENT NAME, MDOC#PRISONER NUMBER*

17. RGC RECOMMENDATIONS:

a. All Required Completed?: Yes or No
complete still?

If "No" what do you need to

b. Programs Completed:

- List the required and voluntary programs you have completed and then describe what you gained from your participation in each program. **Organize copies of program reports, block reports and certificates.**

I. Education:

II. Vocational:

III. Work:

IV. Substance Abuse:

V. Psychological:

VI. Self Help:

VII. Therapy Reports:

VIII. Summary:

- How have you learned to better manage your thoughts, feelings and behavior?
- Describe the awareness you now have that you did not have at the time of your offending behaviors.
- Explain how your thinking has changed.
- Explain what you could have done and should have done to prevent the harm caused by your criminal conduct.

18. CURRENT HEALTH:

Mental/Psychological Diagnoses and Treatment:

Physical: Answer if Relevant

- Physical Health diagnoses and overall condition: Improving, Stable or Deteriorating.
- High cost medical list: yes or no, and current medications/vitamins, dosage, and what they are for.
- Terminal Medical Condition: yes or no? List surgeries, medical procedures and dates.
- List of day-to-day special accommodations, supplies, equipment, etc.
- Level of Physical Incapacity: how the medical condition(s) effect your daily living?
 - Life Expectancy and Extenuating circumstances warranting consideration: if multiple chronic care clinics and ongoing medical treatment is necessary, if use of medical resources are likely to increase over the next year due to persistence in symptoms, multiple diagnoses and disability.

Questionnaire: *CLIENT NAME, MDOC#PRISONER NUMBER*

19. PLACEMENT:

- Explain your parole plans for housing, employment and/or education and the plan for your individual psychotherapy and aftercare groups to reinforce the behavioral changes needed and to promote your personal growth. Please provide at **least two options for housing and work.**

Housing

a. Person, Relationship, Age:

Location, Phone, Email:

b. Person, Relationship, Age:

Location, Phone, Email:

Employment

a. Company, Job, Job Description:

Location, Contact Person, Position of Contact Person, Number, Email:

b. Company, Job, Job Description:

Location, Contact Person, Position of Contact Person, Number, Email:

Community Programs (Anger management, Alcoholics Anonymous, Parenting Class etc.):

Community Service Interests: (Habitat for Humanity, Mentoring etc.)

Support System/Information:

- Provide a list of names, addresses, contact information, age and relationship of everyone in your support network. Friends, family, pastors etc.

20. Meritorious Acts/Charitable Contributions of Time or Money:

- Please specify if you have done any meritorious acts. Please write a detailed description of the act (s). Place, times, people involved, dates etc.
- Please specify any charitable donations of time or money. Have you helped with gardening have you put your victims in a will etc.

RE-ENTRY CHECKLIST:

<u>GOALS</u>	BEGUN	IN PROCESS	COMPLETED	NOTES	CONTACTS
Housing					
Mental Health Services __ contact counselor __ schedule appointment					
AA/NA/Anonymous Services __ contact sponsor __ create meetings schedule					
Employment __ contact potential employers __ interview skills __ arrange transportation					
Health Care Benefits					
Health Care __ complete physical __ medications __ dental __ vision					
Transportation __ bicycle maintenance __ bus tickets/schedules __ driver contacts					
Food/Clothing/Phone __ bridge card- <i>food stamps</i> __ safe link cell phone					
Income Support/Benefits					
Documents __ state ID __ driver license __ social security card __ birth certificate					
Life Skills __ computer training					
Education __ PELL grants					
Career Goals __ contact professionals __ research career path __ intern					
Money Management __ open bank account __ create budget __ investment/savings					
Community Service __ partner w/organization __ schedule volunteer times					

STATE APPELLATE DEFENDER OFFICE

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LANSING AREA:
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BOOKS AND RESOURCES:

1.) **The Anger Trap**

BY: Dr. Les Carter
ISBN-10: 078796879X
ISBN-13: 978-0787968793

2.) **Houses of Healing**

BY: Robin Casarjian
ISBN 0-9644933-0-6

3.) **Enhancing Empathy**

BY: Robert E. Freeman-Longo and Laren Bays
ISBN-10: 1929657048
ISBN-13: 978-1929657049

4.) **We're All Doing Time: A Guide to Getting Free**

BY: Bo Lozoff and Dalai Lama
ISBN-10: 0961444401
ISBN-13: 978-0961444402

5.) **Emotional Intelligence**

BY: Daniel Goleman
ISBN-10: 055380491X
ISBN-13: 978-0553804911

6.) **Social Intelligence**

BY: Daniel Goleman
ISBN-10: 055338449X
ISBN-13: 978-0553384499

7.) **Way of the Peaceful Warrior**

BY: Dan Millman
ISBN-10: 1932073256
ISBN-13: 978-1932073256

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Phone: 517.334.6069 • Fax: 517.334.6987

{DATE}

RE:
MDOC#
Case No.

To Whom It May Concern:

Enclosed is an outline for instructions on how to write the most helpful support letter. The purpose of this letter is to show a meaningful pro-social network of family and friends who can offer positive support and accountability for .

Please do **not** include any details of the crime, trial, or opinions regarding innocence or guilt; this information is not productive, and does not relate to the direct purpose of this letter.

Also, please make sure to include your contact information (i.e. first and last name, address, and phone number(s)); this information is very important in the event that the judge has any questions or would like to confirm any information with you.

Thank you for taking the time to support , every letter can make a difference.

Please feel free to contact me if you should have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole George".

Nicole George
Social Worker

Enclosure

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Support Letter Template: The purpose of the support letter is to show a meaningful pro-social network of family members and friends who can offer support.

Suggested Outline for the Support Letter

[Insert Date Here]

Name of Person to whom you are writing:
Honorable

Re:
MDOC#
Case No.

[For the salutation use:] Honorable _____ :

First Paragraph: Describe who you are and your relationship to _____. Provide a brief statement about the support and/or resources that you are able to provide i.e., housing, employment, financial help, transportation, mentoring, emotional support etc.

Second Paragraph: Observations and Remarks – indicate any change, progress and/or growth you have observed through the applicant's contacts with you by mail or telephone or through your conversations at visits. Give specific examples. Any maturity you may have seen or pro-active efforts at rehabilitation such as self-help reading, education, vocation training or programming.

[Please avoid statements about guilt, innocence, the prisoner's role in the crime, and whether enough time has been served.]

Third Paragraph: Ask the Court to consider your remarks in making a decision at sentencing or thank the Court for taking the time to read your letter.

Complimentary Closing: Sincerely or Respectfully Submitted,

Signature Line

Address
Phone Number
Email

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Employment Support Letters: The objective is to show _____ has realistic employment available to [him/her].

A Suggested Outline for the Employment Letter

Note: Use company letterhead or prepare your own header using your name, address and contact numbers centered at the top of the letter.

[Insert date here]

Honorable _____

Re:

MDOC#
Case No.

Honorable _____ :

Paragraph 1: Describe who you are and your relationship to _____. Provide information about your company and the nature of your business. If appropriate you could indicate how long the company has been an established business and the type(s) of client(s) you service or the services you offer.

Paragraph 2: Clarify if you are offering a job or an opportunity for interview. Indicate the title of the position, whether it would be full-time or part-time and the hourly rate or salary. Indicate whether the position offers a career track or training, if applicable and when the job is available.

Closing Paragraph: Indicate that you understand _____ will be required to report to authorities and that you will offer the support and cooperation necessary as his employer to verify his work hours or schedule and to assist during the parole supervision period.

Complimentary Closing: Sincerely or Respectfully submitted,

Signature Line

Appendix D

Sample Release Form & Records Request Documents

**MEDICAL RELEASE
PATIENT'S AUTHORIZATION FOR DISCLOSURE OF HEALTH RECORDS**

(PRINT FULL NAME OF PATIENT)

(SS# NUMBER)

(DATE OF BIRTH)

Name and address of person(s) or organization(s) by whom disclosure is to be made.

Name and address of person(s) or organization(s) to whom information is to be given.

RELEASED FROM: _____

RELEASED TO: State Appellate Defender Office

Penobscot Bldg., Suite 3300

645 Griswold

Detroit, MI 48226

SPECIFIC INFORMATION TO BE DISCLOSED (Include dates of treatment): _____

PURPOSE AND NEED FOR SUCH DISCLOSURE: **APPEALS PURPOSE**

I understand that my records (including alcohol, drug abuse, mental status and serious infections and communicable diseases including venereal diseases, tuberculosis, HIV, AIDS, and ARC) are protected under the State and Federal Confidentiality Regulations and cannot be disclosed without my written consent unless otherwise provided for in the regulations.

I understand that I may revoke this authorization at any time and that this authorization pertains to fulfillment of the above stated purpose(s) and will automatically expire after six months from date of signature.

I have read the above, and acknowledge that I am familiar with and fully understand the terms and conditions of this authorization.

I DO HEREBY CONSENT TO THE DISCLOSURE OF THE ABOVE DESCRIBED INFORMATION CONTAINED IN MY HEALTH RECORD.

DATE _____

PATIENT'S SIGNATURE _____

DATE _____

WITNESSED BY _____

Prohibition of redisclosure: This information has been disclosed to you from records whose confidentiality is protected by Federal and State Law. Federal regulations (42 CF Part 2) prohibit you from making any further disclosure of this information except with the specific written consent of the person to whom it pertains. A general authorization for the release of medical or other information if held by another party is not sufficient for this purpose. Drug abuse office and treatment act of 1972 (21 USC 1175) comprehensive alcohol abuse, alcoholism

prevention, treatment and rehabilitation act of 1970 (42 USC 4582), federal register, Vol. 40, No. 127, Tuesday, July 1, 1975.

STATE APPELLATE DEFENDER OFFICE

DAWN VAN HOEK
DIRECTOR

JONATHAN SACKS
DEPUTY DIRECTOR

www.sado.org
Client calls: 313.256.9822



MAIN OFFICE:
PENOBSCOT BLDG., STE 3300
645 GRISWOLD
DETROIT, MI 48226-4281
Phone: 313.256.9833 • Fax: 313.965.0372

LANSING AREA:
Phone: 517.334.6069 • Fax: 517.334.6987

FOIA Officer, Health Care Unit

RE:
No.

Dear FOIA Officer:

Pursuant to the Michigan Freedom of Information Act and Medical Records Access Act, I am writing to request a copy of all of _____'s Mental Health and Medical Records including psychological services records including progress reports, case notes and termination reports and any records regarding substance abuse diagnosis, prognosis, or treatment. Please treat this as our formal request that you provide the aforementioned records. Should any information in the prisoner's file appear to be exempt from disclosure, I hereby request a brief statement of exemption claim and to the extent that the material can be identified without breaching the exemption, a brief description of the same. Should the information appear subject to partial disclosure, I would request that a redacted copy of the same be provided to me with the notice that the same is redacted.

Please note that the appropriate authorization is attached.

On _____, the Honorable _____ appointed this office as appellate counsel in _____ County Circuit Court Case Number _____. Since _____ is indigent and we are court-appointed to represent him, we typically do not pay costs.

If you have any questions, or I can be of any further assistance, please contact me at kminear@sado.org or (313) 256-9833 ext. 2940. Thank you for your attention to this matter.

Sincerely,

Kristen Minear
Paralegal

Enclosure

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Sincerely,

Kristen Minear
Paralegal

Enclosure

Appendix E

Samples For Support Letter Cover Sheet and Support Letter Templates

DATE

Jacqueline Ouvry
645 Griswold, Suite 3300
Detroit, MI 48226

Dear Ms. Ouvry,

It was nice speaking with you this morning about your cousin Marilena David. You indicated that you would be willing to write a letter of support to the court on Ms. David's behalf and to contact other family members to ask them to do the same. As I mentioned, I have enclosed a couple of copies of a document providing some guidance for the letters of support.

Ms. David's resentencing is scheduled for December 16, 2013, so please make an effort to have your letter, and any others you are able to collect, to me by the end of November at the latest.

If you have any questions, I can be reached at _____ or by email at _____@_____. Thank you for your help.

Sincerely,

NAME
Attorney At Law

Enclosures

<INSERT ATTORNEY LETTER HEAD>

Employment Support Letters: The objective is to show CLIENT NAME has realistic employment available to [him/her].

A Suggested Outline for the Employment Letter

Note: Use company letterhead or prepare your own header using your name, address and contact numbers centered at the top of the letter.

[Insert date here]

Honorable JUDGE'S NAME
COURT ADDRESS

Re: CLIENT NAME
MDOC#
CASE NO.

Honorable JUDGE'S NAME:

Paragraph 1: Describe who you are and your relationship to CLIENT NAME. Provide information about your company and the nature of your business. If appropriate you could indicate how long the company has been an established business and the type(s) of client(s) you service or the services you offer.

Paragraph 2: Clarify if you are offering a job or an opportunity for interview. Indicate the title of the position, whether it would be full-time or part-time and the hourly rate or salary. Indicate whether the position offers a career track or training, if applicable and when the job is available.

Closing Paragraph: Indicate that you understand CLIENT NAME will be required to report to authorities and that you will offer the support and cooperation necessary as his employer to verify his work hours or schedule and to assist during the parole supervision period.

Complimentary Closing: Sincerely or Respectfully submitted,

Signature Line

Once complete, please print three copies, sign each in pen and send one to CLIENT, one to me and keep one for your records.

<INSERT ATTORNEY LETTER HEAD>

Support Letter Template: The purpose of the support letter is to show a meaningful pro-social network of family members and friends who can offer support.

Suggested Outline for the Support Letter

[INSERT DATE HERE]

Name of Person to whom you are writing:

Honorable JUDGE'S NAME
COURT ADDRESS

Re: CLIENT NAME
MDOC#
CASE NO.

[For the salutation use:] Honorable JUDGE'S NAME:

First Paragraph: Describe who you are and your relationship to CLIENT NAME. Provide a brief statement about the support and/or resources that you are able to provide i.e., housing, employment, financial help, transportation, mentoring, emotional support etc.

Second Paragraph: Observations and Remarks – indicate any change, progress and/or growth you have observed through the applicant's contacts with you by mail or telephone or through your conversations at visits. Give specific examples. Any maturity you may have seen or pro-active efforts at rehabilitation such as self-help reading, education, vocation training or programming.

[Please avoid statements about guilt, innocence, the prisoner's role in the crime, and whether enough time has been served.]

Third Paragraph: Ask the Court to consider your remarks in making a decision at sentencing or thank the Court for taking the time to read your letter.

Complimentary Closing: Sincerely or Respectfully Submitted,

Signature Line

Address
Phone Number
Email

Once complete, please print three copies, sign each in pen and send one to CLIENT, one to me and keep one for your records.

Appendix F

Sample Support Letters

[REDACTED]

[REDACTED]

Your Honorable Magistrate:

I am writing you on behalf of my brother, [REDACTED], who is currently incarcerated.

[REDACTED] lived with me for 5 years before moving in with my mother to help her out with her bills.

He was always a big help with the monthly bills and the things around the house that needed to be fixed. He also was a great help when I needed someone to watch the kids when I had to work.

His responsibility was half of every bill that was due on a monthly basis. If he was not working at the time the bills were due, he would find odd jobs to do throughout the neighborhood, such as painting, going grocery shopping for the neighbors, cutting grass, cleaning gutters, homes, etc. [REDACTED] was not just a help to his family, but also to our neighbors, who are our extended family. He is very well known for his helping hands and humbling spirit. These are just some of the positive things that I wanted to highligh about my brothers life. I hope that you would take these things into consideration, when making your decision. I thank you for your time and consideration. It is greatly appreciated.

Sincerely,

[REDACTED]

Judge [REDACTED]

My name is [REDACTED] and I am a friend of [REDACTED]. I am an accounting clerk for [REDACTED] Corporation. I have been working with this company for the last ten years. I have a bachelors degree in Accounting with a minor in Data Processing. I meet [REDACTED] in Chicago in 1986, I was taking a break from college and live in Chicago for the summer.

[REDACTED] and I became friends and have stayed in contact. During the summer of 1993, [REDACTED] moved to Muskegon and lived with me for awhile before going back to Chicago. We have always been good friends and I have the utmost respect for him. [REDACTED] desire to come to Michigan was to have a better life, and to get away from the negative people that was around him in Chicago. While in Chicago, he was a great help to his family and others. [REDACTED] I was utterly surprise to find out about his current situation.

When I did find out about this, I have been the type of friend that I know he is. I have made sure that he has money on the phone so that he could call his mother and father. I have kept in touch with his brothers and when possible placed money on his account to have extra items. I have offer him my home to be paroled to.

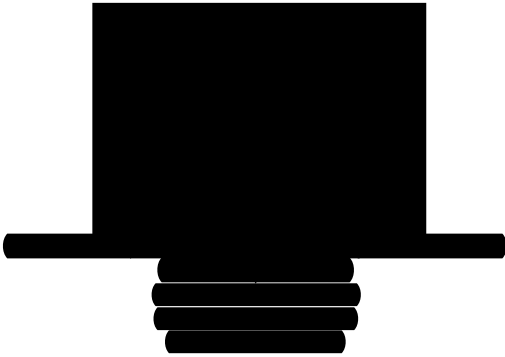
I would hate to see him in any other problems that doesn't fit his character. I have also enlisted my family and friends to help him look for a job once he is released. If there is anything else that you would need to know about him or me. Please do not hesitant to call me at [REDACTED]

Thank you for your time.

Respectfully,

[REDACTED]

[REDACTED]



[Redacted]

To Judge [Redacted]

[Redacted], the father of [Redacted] has demonstrated quality parenting at school. I do not believe that he is a threat to [Redacted] [Redacted] came to school to volunteer in the classroom over her first two years of school, he is involved in her education in various ways including, teacher conferences and academic success. [Redacted] [Redacted] picks her up and drops her off in a timely manner when she is with him.

I have never witnessed him in any incidents of inappropriate behavior in my building. He demonstrates appropriate behavior at all times while visiting the school.

If you need any further information feel free to contact me at the number listed above.

[Redacted signature block]

Principal

[Redacted]

Appendix G

Child Support Information

MICHIGAN PARENTS IN PRISON: CHILD SUPPORT OBLIGATIONS

Continued Obligation While Incarcerated:

- It is important to understand that your obligation to pay child support does not automatically disappear once you become incarcerated. If there is currently an order requiring you to pay support for your children, you must do something about it...even while you are in prison. Failure to do so could result in back-support and expensive fines for the entire length of time that you fail to pay child support. By following either of the two steps below, you may be able to get the court to enter a modification of your child support for the time that you are in prison and do not have income. This will reduce the amount you owe after release.

Two Steps to Take Immediately:

1. **Notify the Friend of the Court (FOC) that you are incarcerated.**
 - Fill out the attached letter and send it to the FOC located in the county in which your child support order was issued. A list of FOC addresses is attached. Keep copies of everything you send.
 - Once you mail this letter with notification that you are incarcerated, the FOC will start a review of your case. You will likely receive a questionnaire for additional information from the FOC that you should complete as accurately as possible. You must follow any instructions you receive from the FOC, or your support will not be changed. The review and modification process can take approximately 180 days or more to complete.
2. **File a motion to modify your child support.**
 - Fill out the "Prisoner Motion to Modify Support" form that is attached. File this form along with the attached "Prisoner Affidavit" so that your filing fees may be waived. File this paperwork in the court in which your child support order has been issued. Additional information and directions for completing both of these forms is attached.
 - You **must** mail a copy of the motion to the party to whom you owe support. The date that you serve the other party is the date from which your support would get changed if the court agrees to modify it.

Step #1 is a way for you to properly notify the FOC that you are incarcerated and ask the FOC to set a new, lower payment amount based on your current situation. The new payment amount may be zero. Step #2 is a motion in which you formally request the court to modify your payments. You should complete at least one of these procedures immediately.

Consequences of Failing to Act While in Prison:

- **Back-support:** If you have an existing court order requiring you to pay child support, the amount you owe will continue to add up while you are in prison. When released, Michigan prisoners on average owe \$28,000 in back-support.
- **Fines:** In addition to back-support, you may also be fined, or have your wages garnished after finding a job upon release.
- **Jail:** Failure to pay fines and back-support can result in a show cause hearing, and if you do not attend court, then a bench warrant could be issued and you can even be jailed for contempt.
- **Additional Losses:** Failure to pay support may also result in the following: problems if you are on probation or parole; the loss of your driver's license or occupational license; the seizure of your property; and increased likelihood of termination of your parental rights.

Name

Prisoner Number

Address

Date:

Friend of the Court Address

Re: _____
Name of case (Plaintiff vs. Defendant)

Case Number

Dear _____ County Friend of the Court:
Name of County

My name is _____ and my case number is _____

The name of the other party in my case is _____

(If you have multiple cases in the same county, list each case number and the other party in each case.)

I am writing to notify you that I am currently incarcerated at _____

Name of facility

As you know, MCL 552.517(b) requires the Friend of the Court to initiate a support review when it receives information that an individual is incarcerated.

In addition to a support review, I would ask that you stop the surcharge on any arrearages that I currently owe or that accumulate while I am locked up.

When corresponding with me, please use my prison number to ensure that any letters you send reach me. My prison number is _____

Prison Number

Thank you for your assistance.

Sincerely,

Your signature

MICHIGAN FRIEND OF THE COURT OFFICES

COUNTY FOC	ADDRESS	CITY	ZIP	MAIN PHONE NUMBER
Alcona	Alcona County Courthouse PO Box 366	Harrisville	48740	(989) 724-5131
Alger	Alger County Bldg. - PO Box 733	Munising	49862	(906) 387-4636
Allegan	113 Chestnut St.	Allegan	49010	(616) 673-0330
Alpena	719 W. Chisholm St.	Alpena	49707	(989) 356-0574
Antrim	328 Washington St.	Bellaire	49615	(231) 922-6200
Arenac	806 W. Houghton Ave. Ste 106	West Branch	48661	(989) 345-5520
Baraga	401 E. Houghton Ave.	Houghton	49931	(906) 482-2102
Barry	117 S. Broadway St.	Hastings	49058	(616) 948-4826
Bay	1230 Washington Ave. Ste. 725	Bay City	48708	(989) 895-4265
Benzie	448 Court Place - PO Box 70	Beulah	49617	(231) 882-0023
Berrien	811 Port St.	St. Joseph	49085	(616) 983-7111
Branch	31 Division St.	Coldwater	49036	(517) 279-4314
Calhoun	161 E. Michigan Ave.	Battle Creek	49014	(616) 969-6415
Cass	110 N. Broadway	Cassopolis	49031	(616) 445-4436
Charlevoix	301 State St.	Charlevoix	49720	(231) 547-7205
Cheboygan	870 S. Main St. - PO Box 70	Cheboygan	49721	(231) 627-8826
Chippewa	300 Court St.	Sault Ste. Marie	49783	(906) 635-6347
Clare	255 W. Main St. - PO Box 988	Harrison	48625	(989) 539-0800
Clinton	100 E. State - Ste. 4100	St. Johns	48879	(989) 224-5136
Crawford	400 W. Main St. - PO Box 1485.	Gaylord	49734	(989) 732-3437
Delta	310 Ludington St.	Escanaba	49829	(906) 789-5110
Dickinson	300 E. Dr. St. - PO Box 725	Iron Mountain	49801	(906) 774-2833
Eaton	1045 Independence Blvd.	Charlotte	48813	(231) 348-1717
Emmet	200 Division St.	Petoskey	49770	(231) 348-1717
Genesee	1101 Beach St.	Flint	48502	(810) 257-3300
Gladwin	401 W. Cedar Ave.	Gladwin	48624	(517) 426-4141
Gogebic	200 N. Moore St.	Bessemer	49911	(906) 667-0218
Grand Traverse	328 Washington St.	Traverse City	49684	(231) 922-4660
Gratiot	PO Box 157	Ithaca	48847	(989) 875-5226
Hillsdale	15 Care Dr. P.O. Box 201	Hillsdale	49242	(517) 437-4111
Houghton	401 E. Houghton Ave.	Houghton	49931	(906) 482-2102
Huron	250 E. Huron Ave. - PO Box 188	Bad Axe	48413	(989) 269-9545
Ingham	303 W. Kalamazoo - PO Box 40097	Lansing	48901	(517) 483-6103
Ionia	110 E. Washington - PO Box 47	Ionia	48846	(616) 527-5310
Iosco	422 Lake St. - PO Box 658	Tawas City	48764	(989) 362-2573
Iron	2 S. Sixth St. - Ste. 19	Crystal Falls	49920	(906) 875-3673
Isabella	200 N. Main St.	Mt. Pleasant	48858	(989) 772-0911
Jackson	312 S. Jackson St.	Jackson	49201	(517) 788-4470
Kalamazoo	201 W. Kalamazoo Ave. - 4th Floor	Kalamazoo	49007	(616) 384-8200
Kalkaska	400 W. Main St. - PO Box 1485	Gaylord	49735	(517) 732-3437
Kent	82 Ionia St.	Grand Rapids	49503	(616) 336-2600
Keweenaw	401 E. Houghton Ave.	Houghton	49931	(616) 482-2102
Lake	County Courthouse - PO Box 163	Baldwin	49304	(231) 745-2705
Lapeer	255 Clay St. - PO Box 570	Lapeer	48446-0570	(810) 667-0377
Leelanau	328 Washington St.	Traverse City	49684	(231) 922-4660
Lenawee	425 N. Main St.	Adrian	49221	(517) 264-4706
Livingston	210 S. Highlander Way - PO Box 707	Howell	48844	(517) 546-0230
Luce	407 W. Harrie St.	Newberry	49868	(906) 293-3204
Mackinac	100 N. Marley St.	St. Ignace	49781	(906) 643-7336
Macomb	40 N. Main St.	Mt. Clemens	48043	(586) 469-5160
Manistee	415 Third St.	Manistee	49660	(231) 723-7242
Marquette	234 Baraga Ave.	Marquette	49855	(906) 225-8262
Mason	304 E. Ludington Ave.	Ludington	49431	(231) 843-4791
Mecosta	400 Elm St. - PO Box 822	Big Rapids	49307	(231) 592-0115

COUNTY FOC	ADDRESS	CITY	ZIP	MAIN PHONE NUMBER
Menominee	Courthouse, 839 10th Ave.	Menominee	49858	(906) 863-8981
Midland	301 W. Main St.	Midland	48640	(989) 832-6801
Missaukee	401 N. Lake St. - PO Box 285	Cadillac	49601	(231) 779-9494 (ext. 3108)
Monroe	106 E. First St. - PO Box 120	Monroe	48161-2143	(734) 240-7180
Montcalm	629 N. State St.	Stanton	48888	(989) 831-5226
Montmorency	Courthouse - PO Box 479	Atlanta	49709	(989) 785-8035
Muskegon	900 Terrace St.	Muskegon	49442	(231) 724-6323
Newaygo	PO Box 805	White Cloud	48349	(231) 689-7260
Oakland	1200 N. Telegraph Rd.	Pontiac	48341	(248) 858-0424
Oceana	100 State St.	Hart	49420	(231) 873-4605
Ogemaw	806 W. Houghton Ave. - PO Box 427	West Branch	48661	(989) 345-5520
Ontonagon	725 Greenland Rd.	Ontonagon	49953	(906) 884-4670
Osceola	301 W. Upton St. - PO Box 135	Reed City	49677	(231) 832-6131
Oscoda	PO Box 837	Tawas City	48763	(989) 362-2573
Otsego	400 W. Main St. - PO Box 1485	Gaylord	49734	(989) 732-3437
Ottawa	414 Washington St.	Grand Haven	49417	(616) 846-8210
Presque Isle	151 E. Huron Ave.	Rogers City	49779	(989) 734-4312
Roscommon	806 W. Houghton Ave. Ste 106 - PO Box 427	West Branch	48661	(989) 345-5520
Saginaw	111 S. Michigan Ave.	Saginaw	48602	(989) 790-5313
Saint Clair	201 McMorrان Blvd.	Port Huron	48060	(810) 985-2285
Saint Joseph	125 W. Main St. - PO Box 249	Centreville	49032	(616) 467-5570
Sanilac	60 W. Sanilac Ave.	Sandusky	48471	(810) 648-4866
Schoolcraft	300 Walnut St. - Rm. 210	Manistique	49854	(906) 341-3653
Shiawassee	208 N. Shiawassee St.	Corunna	48817	(989) 743-2397
Tuscola	449 Green St.	Caro	48723	(989) 673-4848
Van Buren	219 Paw Paw St.	Paw Paw	49079	(616) 657-6286
Washtenaw	101 E. Huron St.	Ann Arbor	48107	(734) 994-2466
Wayne	645 Griswold St.	Detroit	48226	(313) 224-5300
Wexford	401 N. Lake St. - PO Box 285	Cadillac	49601	(231) 779-9494 ext. 3108

Approved for use in pilot, SCAO

STATE OF MICHIGAN
JUDICIAL CIRCUIT

COUNTY

PRISONER AFFIDAVIT AND ORDER
FOR SUSPENSION OF FEES/COSTS
IN PRO PER

CASE NO.

Court address

Court telephone

Plaintiff's name, address, and telephone no.

v

Defendant's name, address, and telephone no.

I, [your name], _____
Prisoner name

_____ Prisoner offender number

1. I am currently incarcerated and have no income have a reduced income and a limited ability to earn income.
2. I am unable to pay the fees and costs of this action because of indigence and ask the court to suspend them.
3. I understand that the court may order me to repay the fees and costs if the reason for the waiver or suspension no longer exists.

(You must sign the affidavit in the presence of a notary)

Prisoner signature

Subscribed and sworn to before me on _____, 200_ in _____ County, Michigan
My commission expires:

Signature
Notary public, State of Michigan, County of _____

ORDER:

IT IS ORDERED:

- The fees and costs required in this action are waived/suspended until further order of the court.
- This application is denied. (The Order is completed by the court)

Date

Judge

Original - Court
1st copy - Plaintiff
2nd copy - Defendant
3rd copy - Friend of the Cou.

Approved for use in pilot, SCAO

STATE OF MICHIGAN JUDICIAL
CIRCUIT COUNTY

CASE NO. _____

PRISONER MOTION TO MODIFY SUPPORT
IN PRO PER

Court address
Plaintiff's name, address, and telephone no.

Court telephone no. _____

Moving party

v

Defendant's name, address, and telephone no.

Moving party

Third party's name, address, and telephone no.

- 1 The most recent court order for child support is dated. _____ [month, day, and year]
- 2 I am ordered to pay \$ _____ every _____ [week, month, etc.]
- 3 Conditions as to the child support have changed, and due to my incarceration, I cannot pay the amount ordered.
- 4 Attached is a completed Prisoner Information Addendum and a prisoner account statement listing my income and assets.
5. I REQUEST that the court enter
 - a. an order that changes my child support to an appropriate amount based on my ability to pay while I am in prison as well as after my release. I also request that the court allow my participation in the hearing on this motion by telephone or other electronically reliable means as permitted by MCR 3.210(A)(4) or 3.215(D)(3).
 - b. the attached Uniform Child Support Order agreed to by me and . _____
name of other party

Date

Signature

NOTE: If you are the non-moving party, you can respond to this motion without an attorney by completing form FOC 51 and filing it with the court. Contact the friend of the court office to request the form.

Appendix H

American Friends Parole Planner

Getting through the Michigan Parole Process

A publication of the American Friends Service Committee's
Michigan Criminal Justice Program
and MI CURE

Contact:
Natalie Holbrook or Peter Martel
1414 Hill Street
Ann Arbor, MI 48104
734-761-8283 ext.5 or 2

Revised June 2012

I. FOREWORD

Penny Ryder and Kay Perry wrote the original version of this booklet to help individuals navigate their way through the parole process. These two women and the organizations they represent (AFSC and MI-CURE, respectively) have spent many years trying to improve the parole system in Michigan. In their shared experience of advocacy and policy work on parole, they found they could be most effective by teaching individuals how to fend for themselves instead of trying to advocate on each individual's behalf. This booklet explains the parole process, what individuals can do to position themselves for a positive parole board action, and what individuals should consider after the parole board's decision. It also includes a list of helpful resources for those who want to understand the process more fully or need additional help getting through the process.

Some things have changed since Kay and Penny wrote the third edition of this booklet in 2000, so we have updated it with current information and advice. We emphasize the significance of the Parole Eligibility Report (PER), the Parole Guideline Score Sheet Grid, public hearing proceedings, and most importantly, the best way to spend your time up to the parole date. While the policy directives and operating procedures are vital to the process, as is advice on how to present yourself during the interview, there is really no substitute for actually doing the right thing during your incarceration and developing your own solid character. Admittedly, there is no silver bullet to gaining a parole, yet there is one for staying out when we are released: spend your time doing what is right. Practice it over and over during the time you are incarcerated, until it becomes second nature. At that point, you will have made good on your time and reduced your chances of returning to doing what is wrong.

Natalie Holbrook, Marissa Hanna, and Peter J. Martel
Criminal Justice Program
American Friends Service Committee
Summer 2010
4th Edition

II. LEADING UP TO THE PAROLE PROCESS

By Pete

Your institutional conduct is a large factor the parole board will consider while reviewing you for parole. With that in mind, the sooner you begin making your prison sentence a positive experience, the better your chances for parole and, ultimately, the better your chances for success upon release. Having served fourteen years (ten of it in the box), I can attest to the importance of making your sentence a positive experience. At some point in the future, you will look back upon the time you've spent in prison and you will either find it was a horrible waste of time or a productive experience. The choice is yours, and it is a choice you make every day.

I spent my time in the hole not only exercising and playing chess ("13 to 29"), but also reading a lot of those books that everybody tends to think we should read. In addition to the books that are listed in this booklet, I would highly recommend reading some of the classics (*To Kill a Mockingbird*, by Harper Lee; *Les Miserables*, by Victor Hugo; *Crime and Punishment*, by Fyodor Dostoevsky; *Anna Karenina*, by Leo Tolstoy; and *East of Eden*, by John Steinbeck come immediately to mind). These books aren't simply stories that entertain us while we read them, but works that can make us ask questions about our lives that we might not have contemplated before. If we think over ideas such as what we hope to accomplish with our lives, what principles are most important to us, and how (and *why*) we should go about living our lives, we cannot help but to grow intellectually and develop in terms of our own humanity. If you can find some others who are interested, I encourage you to start book clubs centered on the reading and interpretations of these books. Consider proposing a reading group to your special activities coordinator, in order to reserve a quiet place where you can keep the group focused on the topic.

Many self-help books seem to offer quick-fixes for problems that might not be that simple to fix, but in this genre I recommend Stephen Covey's book *The Seven Habits of Highly Effective People*. Covey discusses how people have become less concerned with "character" and more concerned with "personality." I feel as though many of you on the inside will understand that concept more readily than a lot of people out here, but to state it quickly, character is who you really are; personality is your presentation to other people. The first is being, while the other is acting. Covey attempts to re-focus his readers on character and encourages us to worry less about personality. It's pretty interesting material and should be available in your library.

Obviously, another thing you need to do is avoid misconducts. That doesn't mean quit getting caught; it means quit doing things that you could get in trouble for if you were caught. Think about things before you do them. Give yourself time to think and breathe before acting. Count to ten. Take a few deep breaths. Ask yourself, "If I get caught doing this, and end up in the hole, or with a misconduct on my record, will it have been worth it?" Stupid things cannot only cost you a parole, but also reinforce bad habits. The board wants to see that you've developed the habit of following rules and controlling your behavior. The best way to convince them of that is to actually develop that habit.

Another important factor is completing your R&GC recommendations (substance abuse, AOP, SOP, etc.). If you are not in your recommended programs, submit kites to the proper staff to be placed on a waiting list. You should keep copies of these kites, along with any responses you

receive. Once you are admitted into the program, it is important that you approach it with an open mind and engage the program with the intention of getting something out of it more than just the certificate. While certificates and positive reports are helpful to show that you have successfully completed these programs, it will be just as important to show that you actually learned the lessons that these programs have to offer and processed the materials that were discussed. These programs will offer you some tools that will help you improve yourself—it is important to appreciate the opportunity and make the most of it.

Many of you need to complete SOP, VPP, Cage your Rage, Thinking for Change, or AOP. We all know there are waiting lists for all of these classes. Unfortunately, it appears that for the most part individuals are not being allowed into these groups until after they reach their earliest release date. The department has compiled a list at central office that is arranged strictly by release date—the earlier your release date, the closer to the top of the list your name will be. How quickly you move up that list is not in your (or our) control—it's simply a matter of the department having enough psychs on staff to run enough of these groups. What you can control in this matter, however, is being in a low enough security level to be able to participate in the group when your name comes up on the list. Most of these groups are being held in level I and II facilities. If you're sitting up in a level V facility, you will probably not get in. If you're in an appropriate security level when your name comes up on the list, you should be transferred to the facility that is conducting the next group.

Work and school are also important. Not only do work or school opportunities offer chances to get a little schooling in and earn some money, they also result in reports submitted by the MDOC officials. These are the people who spend the most time with you (your teachers or work supervisors) during your incarceration and it helps if they have good things to say about you. It is important that you apply yourself earnestly in these endeavors and give them reason to say something good about you. If your work reports are not 37-39, you need to put more effort into your work.

If there are other programs available that are not R&GC recommendations, you should try to involve yourself in those as well. Participating in program is a better way to spend your time than sitting around eating Little Debbie's or playing dirty hearts all day.

All documentation from these activities needs to be organized in a file so you can locate them easily. It may be needed for completing your PER, for correcting your parole guideline score sheet, or for correcting information at your parole interview. Be sure to keep it all together, in a convenient place. If you have support in the free world, you may want to send copies of these documents to that person for safe-keeping and also to help your support network understand your progress, work ethic, and program completion.

III. PREPARING FOR THE PAROLE OR LIFER INTERVIEW

In addition to your institutional conduct, other things you need to consider well before the process is initiated are things such as developing a realistic parole plan, tending to outstanding warrants, and lining up support services in the world.

Check Outstanding Warrants

If you suspect you have outstanding warrants, submit a kite to the Records Coordinator at your institution to confirm their status. Work with the Records Coordinator to resolve the charges as soon as possible. These warrants cannot be removed from your MDOC file without documentation from the originating court. You will not be paroled until they are cleared up.

Get Involved in Pre-Release Programming

Involve yourself in a pre-release program if one is available at your institution.

Save As Much Money As Possible

You will need it when you are paroled. This is especially important if you are planning on a commercial placement.

Own Your Shortcomings

Be honest about your weaknesses in your case – what recommendations have your therapists and supervisors given you? Have you had prior parole or probation experience? If so, and you failed, what steps can you take to avoid making the same mistakes in the future? In what ways might your transition to the free world be difficult? How will you address these difficulties?

Arrange for Treatment

If you have a history of **substance abuse**, make arrangements for programming in the free world. Arrangements should include written commitment to accept you into the program or to serve as your sponsor. Such programming might include any or all of the following: in-patient or out-patient treatment, Narcotics Anonymous, or Alcoholics Anonymous. If you need in-patient treatment in order to remain successful upon parole, it is totally okay to be honest with the parole board and your loved ones about this need. It will not count against you. It demonstrates that you are taking responsibility for yourself so you do not harm yourself or others.

If you are serving on a **sex offense**, make arrangements for programming in the free world. Arrangements should include a written commitment to accept you into the program or to serve as your sponsor. Programming might include the following: Individual and Group Therapy, Sex Addicts Anonymous, or Sex and Love Addicts Anonymous.

Sex offender therapy (SOP/SOT) may be one of your parole requirements and you may be have to attend MDOC-approved

therapy. We know of many released prisoners who have found this therapy helpful.

Get Offers in Writing

If you have a job offer, get it in writing. If you are planning to attend a vocational or educational program, ensure that you will be accepted into the program. Get the acceptance in writing.

Check Your Home Placement

If you have a home placement, be sure it is adequate. If you served on a sex offense where the victim was a minor, you should not plan on living in a household with children present. You will not be allowed to live there, so make other more realistic plans. Sex offenders may not be allowed to live in a home with internet access.

If your family background has been difficult, and you plan to live with a family member, be prepared to explain what will be different this time. Parole is very difficult. Finding a job and supporting yourself will be tough work. Do not overburden yourself with family responsibilities.

Stay Busy!

The pace in the free world can be hectic. The transition will be easier if you keep active. Stay mentally and physically active at least 8 hours per day. For example, read a book or write a letter during count time instead of napping.

If you know that you will be receiving Social Security Disability Insurance (SSDI) (very few prisoners are eligible), be prepared to explain how you will remain busy enough to avoid drugs, alcohol, or other problems that may have contributed to your criminal behavior.

Address Your Relapse Prevention Plan

If you have problems with substance abuse or are serving on an assaultive or sex offense, be certain that you have addressed all elements of your Relapse Prevention Plan.

IV. YOUR PER AND PAROLE GUIDELINE SCORE SHEET

The Parole Eligibility Report (PER) and Parole Guideline Score Sheet are vital documents in the parole process. Each has a policy directive written specifically about it and much of the review will center on the information in these documents. We cannot stress enough how important it is to understand the process for completing these documents and ensuring that the information included in them is correct.

The PER is used to complete the Parole Guideline Score Sheet, and the Parole Guideline Score Sheet determines whether you are high-, average-, or low-probability for parole. If you are high-probability for parole, there is a presumption parole will be granted. If the board denies you parole when you screen high-probability, they have to articulate “compelling and substantial reasons” for departing from the guidelines in writing. If you screen average-probability they must interview you during the decision-making process. They cannot deny you parole without conducting an interview. If you screen low-probability for parole, however, the board can flop you for 12, 18, or 24¹ months without interviewing you. Further, if you screen low-probability, you need to tighten up, quit catching tickets, and start doing what you’re supposed to be doing – you’re not a kid anymore.

We encourage you to read P.D. 06.05.103 Parole Eligibility/Lifer Review Reports. Within this policy is most of the instruction you need to make sure your PER has been completed correctly. This policy directs that your PER is completed seven months before your earliest (or next) release date. Before it is completed, however, you should receive a copy of “20 Questions of Parole” (a small booklet on the parole process) from your ARUS and he or she should review the parole process with you. Additionally, you are allowed to review your file (Paragraph J) and “present letters, offers of employment, and other information supporting parole to the PER preparer” (Paragraph K). Once your questions about the process have been answered and you have had the opportunity to review your file, correct errors in the PER, and submit letters of support and certificates you have earned, you sign the PER. Request a copy of the PER for your personal file.

The Parole Guideline Score Sheet Grid is completed by the Case Preparation Unit in the Office of the Parole Board. P.D. 06.05.100 governs the process for completing this document. While the policy states that you are to be provided a copy of this document, it does not provide a deadline by when you must receive it. If you do not receive your copy prior to your parole board interview, it is not something you want to argue about during the interview. Focus on the questions asked in the interview (see Part V, below) and worry about the guidelines when you do receive your copy. In the event that any of the information in the guidelines is inaccurate, you will need to contact the appropriate office or individual as follows:

¹ In some cases, the board can – and will – issue a 60-month flop. See P.D. 06.05.104, paragraph X.

Issue	Who to Contact
“Instant Offense”	This includes all offenses for which you are currently serving. Contact the Parole Board Case Preparation Unit
“Any Injury”	Means any force, injury or threat of force or injury (including threats to use a weapon). Contact the Parole Board Case Preparation Unit.
“Total time will have served”	This is calculated using the difference between the review date and the commitment date, excluding time spent on parole, escape, writ, or bond. Contact the Central Time Computation Unit.
“Age”	Contact the institutional record office.
“Program Performance”	Contact the Parole Board Case Preparation Unit.
“Mental Health Score”	Contact the Parole Board Case Preparation Unit.
“Errors in the Pre-Sentence Investigation Report”	Corrections must be ordered by the sentencing court.
“Errors in the PER”	Contact the administrator who prepared the PER.

If correcting errors in your guideline score sheet will not result in the improvement of your probability (changing you from “low” to “average” probability, or “average” to “high” probability), you shouldn’t worry about having them corrected. If they will result in the improvement of your probability, you want to get it corrected.

V. PREPARING FOR THE PAROLE OR LIFER INTERVIEW

The parole/lifer interview is very important. Do not treat it lightly. Do not assume that it does not matter, or that the decision has already been made. A good interview can result in parole. A bad interview can lead to a flop.

The reasons we often see for denying parole are “lacks remorse,” “lacks empathy,” “minimizes the crime,” “fails to take responsibility,” and “lacks insight into crime.” While you’re serving your sentence the board wants you to think about the crime and the victims often. Think about why you chose to commit the crime and what things you could’ve done differently to prevent the crime from happening. They don’t like the “young and dumb” thing—we’ve heard them say that everybody goes through adolescence, but not everyone commits crimes, so they’re looking for something more insightful.

Remember that most lifers and some non-lifers will be scheduled for an interview with very short notice. Therefore, it is very important to think about these issues even if you do not know exactly when you will be interviewed.

Organize the documents you plan to take to the interview. The following suggestions are based on an informal parole board memo dated September 22, 1994:

- If your PER or parole guideline score sheet is incomplete or inaccurate, bring documents that will fill in the gaps or correct mistakes.
- Take your latest psychological report if it was prepared recently and you are not certain that a copy has been placed in the Central Office file.
- Remember that the parole board considers criminal behavior, institutional adjustment, readiness for release, and personal history when making parole decisions. Any documents you take should relate to these factors and should not duplicate any material covered in the PER or guideline score sheet.
- Documents should offer concrete evidence. For example, a job offer is relevant. A letter from a relative saying you should be able to get a job easily is **not** relevant. A letter from a work supervisor commending your performance **may** be relevant if good work performance is not described in your PER. A letter from a friend saying you worked hard is **not** relevant.
- A few short, thoughtful personal letters of support are more effective than a lengthy petition. Request letters from staff when appropriate. (An example letter is included with the handouts that accompany this booklet.)
- Talk with other prisoners who have been interviewed by the parole board. Find out what questions were asked.
- If you had a previous interview, think about what questions were asked.
- If you were a parole board member responsible for the decision, what questions would you ask yourself?

- Practice answering questions. Ask a friend to play the role of a parole board member and practice interviewing. Ask your friend to critique your performance. Practice to improve your answers, your body language, your diction, etc. Keep practicing.
 - Carefully consider whether to ask someone to represent you at the parole interview. It is not essential to have a representative. A well-chosen representative could help; a poorly chosen representative may hurt. If you decide to have a representative, select a person who knows you well, remains calm under stress, and does not deny your guilt or make excuses for you. The representative is there to offer support, not to carry the interview. Share your parole plan and your Relapse Prevention Plan with your representative.
 - You are responsible for letting your representative know where and when your interview will be. Generally, interviews involving representatives are scheduled on the morning of the first day of interviews at your institution.
 - Groom yourself. Get a haircut. Trim any facial hair so that it is not scruffy-looking.
 - Exercise, eat well, and rest well the day before the interview.
-

VI. HOW FAMILY AND FRIENDS CAN HELP

Your family and friends should not minimize the offense or make excuses for you. They should offer support and encourage you to participate in as much programming as possible while in prison. It can also be very helpful if they're able to send in self-help and educational materials (which must be purchased from and sent by approved vendors). Some other things that might be helpful include:

- Helping with parole planning by providing contacts in the free world. They should provide only the name and address—you should make the contact and arrangements after that.
- They may write a letter of support on your behalf, noting any positive changes they've seen take place. They should send the original (addressed "Dear Parole Board") to the Office of the Parole Board and one copy to you in advance of your interview.
- If they are willing to provide a home placement, job, financial support (for a limited period of time), or moral support, they should submit that offer in writing to the parole board prior to the interview.
- Being prepared to work on family issues. Be honest with yourself. If the circumstances of your crime are a reflection of family problems, try to work on those problems before being released. You and your family should continue working on things after you are released.

VII. MAKING THE MOST OF THE INTERVIEW

Nothing in the criminal justice process prepares you for the parole interview. From the time you were arrested until you were convicted, you were probably advised to say nothing about the offense. During your incarceration, there is little incentive to talk about your offense or the victim(s). The rules for parole interviews are just the opposite. It is important that you take responsibility for your actions. It is also appropriate to express concern for the harm done to the victim(s) as well as the victims' family, friends, and community.

Even though your preparation for the interview has been extensive, the actual interview will be short. Be brief, clear, and precise.

During the interview:

- Do not minimize the seriousness of your offense.
- Do not blame others for your offense, incarceration, or tickets.
- Work to remain clam. Do not react angrily to parole board members, regardless of their behavior or questioning.
- Listen carefully to the questions asked. Take your time to answer each question thoughtfully. Give complete answers, but do not ramble or give long-winded answers.
- Where possible, focus on your accomplishments and your plans to avoid future problems.
- Be honest and realistic. For example, do not say that your family needs you to support them when you never supported them prior to your incarceration. Do not state that you must get home to care for an ailing family member. The parole board may not look positively on too many burdens weighing you down.
- You will be given an opportunity, after questioning, to make a statement. Think about what you want to say. You may want to include comments such as:
 - How you feel about the crime and victims today.
 - What you have accomplished since going to prison.
 - How you have prepared for your release.
 - How you are different today.
 - Why you would be a good community member.
 - Do not say you have done enough time.
- Ask that letters of support and whatever other documents you have brought to the interview be added to your file. If the parole board member refuses to take any or all of the material, he or she should make a note in your file as to what was offered and refused.

VIII. PUBLIC HEARINGS FOR LIFERS AND COMMUTATIONS

By Natalie

Here's the deal: the public hearing matters. It matters big-time. We have heard former Chair Sampson talk in detail about what she (and the entire board) expects from people who make it this far in the process. You have probably already figured out for yourself what this section will address, but reminders are always helpful. Reminders and gentle guidance are especially helpful when you are approaching something so huge and you may have not had the time or energy, due to nervousness, anxiety, or intellectual fatigue, to take a step back and think about all of this from a more neutral perspective.

What to expect in the hearing room: You will be brought into a hearing room at either Cotton or MTU (or if you are really sick DWH). The board member/s will be sitting at a long table up near the front of the room. One board member will be running the whole thing. An Assistant Attorney General (AAG) will be sitting next to the PB member running the meeting. There may be another board member or two sitting with the PB member running the hearing. There will also be a court recorder at the table. He/she will be transcribing the proceedings on a laptop. Note: While a PB member is supposed to be running the hearing, it may seem as if the AAG is running the hearing by the amount of time he/she spends directing the questions at you and the fact that he/she may actually control the hearing.

You will be brought into the room in leg irons, hand-cuffs and belly chains. You will sit with your back to the audience and be placed directly in front of the panel of questioners. All of the "security" devices will be left on your body for the entire proceedings. The "audience" will be behind you. If your attorney is in attendance he/she will be sitting behind you, not next to you.

You will have a mini-microphone clipped to your blues for recording purposes.

The Players: You, one or two parole board members, the AAG, and the court recorder.

There may also be those in support of your release, such as your friends and family, your attorney, or other members of the public. Those who are opposed to your release, such as the prosecutor, the victim(s), friends and family members of the victim(s), and other members of the public may be there as well.

How it runs: The PB member running the hearing will introduce the process and the people sitting up at the table. This PB member will also swear you in. Then the AAG will go over the MCLs governing the hearing, followed by his or her questioning regarding the offense. You should know ahead of time that the current Attorney General (Bill Schuette) has ordered a blanket objection for all commutations and paroles that make it to public hearing, so don't take it personally when they object to your release. Please also note that some of the AAGs who might be questioning you can be harsh.

You need to know what kinds of questions to expect from the AAG. Questions will revolve around:

- All details of the crime, whether broad or minute.
- Your explanation of the crime.
- What you might have been thinking at the time of the crime.
- What you feel for the victim of the crime.
- Explanations of your entire institutional conduct. And by entire, we mean *entire*. You may even be asked about tickets from way back, like as far back as 1977.

The AAG may tend to ramble on and use flawed logic to try to trip you up. You might end up sitting there thinking, “what is wrong with him?” or “where is this coming from?” or “that’s not how it went down at all; not at all. And, that is not what I said.” It is critical that you keep your composure and don’t lose your temper.

Remember, the work you’ve most likely done inside is unique to any self-reflective work that humans are capable of. You have been growing and changing and becoming the best person you can be amidst difficult circumstances that the AAG has not one iota of understanding about. You have grown as a person without easy access to higher education and good therapy. Some of you have done it with little or no support from people in the free world. Some of you have been down so long that your loved ones have passed on and you have lived through deep loss and lonely circumstances. Still you have worked on transforming yourself into a better person, different from the one that committed the offense for which you are serving.

In order to best prepare yourself for the line of questioning that will come at you from the AAG, make sure you study your Pre-Sentence Investigation report inside and out. If you have a co-defendant, make sure you have as much understanding of your co-defendant’s version of events as possible.

The board expects you to admit full responsibility for the crime you were convicted of. They expect honesty and forthrightness, and they expect you to feel empathy for the victim(s). Please understand the definition of victim is not just the person you killed or injured. Everyone connected to that victim, the person’s family, community, and friends, are all victims as well.

Once the AAG is done questioning you, the parole board member(s) will question you. This questioning may revolve more around your personal growth while in prison, your institutional record, your placement plans upon release, your program and work reports, and the crime. You should be well versed in your entire misconduct history and be ready to answer questions regarding your entire institutional record. We understand that officers sometimes write bogus tickets and prisoners are not believed and still get found guilty. However, if you sit before the public hearing panel and blame others for negative institutional conduct, it is not going to sound good.

Try to completely avoid blaming language within the context of the public hearing. Some people might be partly to blame for where you are now, but it does not serve you well to dwell on those events or people during the public hearing.

Once the board members are done questioning you, the public will have a turn to testify before the panel. The people in attendance who are there in opposition to your release will be able to testify first. If you have a highly publicized case the prosecuting attorney may show up and testify in opposition to your release. Family members of the victim/s may show up to testify. People may state terrible things about you, but please understand that while the board listens to the opposing testimonies, they are not the deal sealer. You were given a public hearing because the board is deeply interested in your case and potential release.

After the opposition speaks, people who are there in support of your release will be given a chance to testify on your behalf. It is critical that your loved ones do not minimize your involvement in the commission of the crime. Your support group should be able to clearly articulate your release plan and the kind of support network you will have once released to the community.

If you have an attorney, make sure the attorney is able to speak very clearly to the facts of the case. Your attorney can speak during the support of release time and can also clear up any of the misinformation the AAG may have created or articulated during the earlier questioning. You should strategize with your attorney before the hearing. It is really important that you and all of your supporters (attorney included) are on the same page. You should have discussed your ideas and speculations about the proceedings with your support group before the hearing.

Some other important things to focus on:

- The week before the hearing try to exercise daily (walks are good), eat a well balanced diet, and get plenty of sleep.
- Remember body language counts. Look the board members and AAG in the eyes. Hold your head high. Sit upright. Speak clearly. Speak with confidence.
- Understand that empathy goes a long way.
- Make sure you have said out loud many times before the hearing the details of the crime. Many people have never spoken out loud what they did that landed them in prison, it is really important that you are able to effectively articulate what happened. Being uncomfortable with talking about the crime can be interpreted as minimization, so prepare yourself well.
- Focus on telling them the story of the person you have become.
- The AAG or PB member may use language you are not very familiar with. Some examples: Please explain your **relapse prevention plan**; or please describe your **support system upon release**. You may have not had access to the programs that help you develop a relapse prevention plan or your support system. We encourage you to work with a counselor in the prison to develop a relapse prevention plan and a support plan. You should spend time lining up work, education, living arrangements, and therapy in the free world. You should be able to articulate all of this to the panel.

Please note: AFSC staff and volunteers may be attending some public hearings throughout the next many months. So, if some strangers show up to the hearing, it may be us.

IX. IF PAROLE IS APPROVED

- Until your actual release, you will still be in prison. Respect the people around you who are not looking forward to a pending release. Staying quiet about your parole may be a wise decision.
 - If you are going to a private home placement, notify the people who live there that a parole agent will be visiting.
 - Remain ticket-free. Your parole can be revoked.
 - Follow through on your post-release arrangements. Getting out is only the first step in making the transition to the free world. Work hard on your rehabilitation, training, and employment.
 - Remember that parole is only a conditional release. You are responsible for following your parole conditions and reporting to your parole agent. A parole violation could get you sent back to prison.
 - The board may require you to complete some sort of programming or placement in the world before you're freed on parole. Some of these programs may be frustrating or restrictive, but it is important that you participate and complete them—everything you've worked for rides in the balance.
 - For more information, see our pamphlet, "Thoughts on Getting Out."
-

X. IF PAROLE IS DENIED

Was the denial appropriate? Be honest with yourself. The continuance may be warranted under the following circumstances:

- If your parole guideline score is not in the high probability range, you must work to improve it. You can do this by avoiding misconduct tickets and improving your program and work performance.
- If you have not completed all R&GC recommendations, kite for services. We realize that many of you are waiting on SOP or AOP. While there is nothing we can do to help you jump places in the waiting list line, it is important that you remain misconduct-free and get to a level I or level II facility (where most of these groups are offered).
- If you have a history of substance abuse and/or sex offenses and your parole plan does not include any follow-up programming, work to locate such programming before your next interview.
- If your proposed home placement is not adequate, work to located an alternate placement, or request a commercial placement.

- If you have never been gainfully employed in your life, and you still do not have a GED and/or vocational training, get busy. Complete your GED and/or request placement in a vocational training program. Then work at it.
- If you did not complete your R&GC recommendations because the programming was not available:
 - Immediately request transfer to an institution where the programming you need is offered.
- If your parole was denied, yet all R&GC recommendations are complete, your parole guideline score is in the high probability range, all program reports are positive, *and* your parole plan is reasonable, write to us with the following documents:
 - Pre-Sentence Investigation Report
 - PER
 - Parole Guideline Score Sheet
 - Program Termination Reports
 - COMPAS test results
 - Parole Board decision
 - A summary of your parole plans
 - A summary of the parole board interview
- Stay busy. Focus on positive activities. Associate with positive people. Try to remain optimistic. Do not give up. Continue to take advantage of all available programming. Think about the parole interview. What went well and what might have been better? Decide how you might do a better job in the next interview.
- Please note that in cases where parole denial was unjustified or arbitrary, we know of very few instances where the above actions led to immediate success.
- Grievances: According to Policy Directive 06.05.100, *Decisions by the Parole Board, including the scoring weights and ranges utilized in developing parole guideline scores, are not grievable. However, a prisoner may challenge the calculation of his/her parole guideline score, including the accuracy of the information used in calculating the score, by filling a grievance pursuant to PD 03.02.130...* See subsections Z and EE for more detail.

APPENDICES: IMPORTANT GENERAL INFORMATION

POLICIES, DOM'S, AND ADMINISTRATIVE RULES

We cannot stress enough how important it is for you to go to the library and read the relevant Policy Directives, Administrative Rules, and Director's Office Memoranda for the parole process. Listed below is a non-exhaustive list of those for 2010 (the DOM's will certainly change, others may be updated):

- Policy Directives 06.01.110 through 06.06.120 all relate to parole in some form or fashion, but you should especially make sure you review and understand PD's 06.05.100 (Parole Guidelines), 06.05.103 (PER/Lifer Reports), 06.05.104 (Parole Process), and 06.05.130 (Community Resources).
- The current DOM's that relate to parole are 2010-1, 2010-5, and 2010-11.
- Administrative Rules R 791.7715 and R 791.7716 are important.

HELPFUL ADDRESSES

Parole Board: Grandview Plaza, P.O. Box 30003, Lansing, MI 48909

State Senators and Representatives: State Capitol, Lansing, MI 48909

MDOC Director: Grandview Plaza, P.O. Box 30003, Lansing, MI 48909

Legislative Corrections Ombudsman: P.O. Box 30036, 124 W. Allegan, Lansing, MI 48909

American Friends Service Committee: 1414 Hill St., Ann Arbor, MI 48104

MI-CURE: P.O. Box 2736, Kalamazoo, MI 49003-2736

HELPFUL RESOURCES

Here are some booklets and pamphlets we have on hand that we'll send out upon request:

- **Thoughts On Getting Out** – A few things to consider if you are about to be released from prison, or if you love someone who is about to be released.
- **Advocating With the Incarcerated in Michigan** – A collection of lessons we've learned about advocating within the MDOC.
- **To the Imprisoned Sex Offender**
- **To the Family Member or Friend of a Sex Offender**
- **Advocating with the Incarcerated Sex Offender**

RECOMMENDED BOOKS

The following list of recommended books may be available in your library or on Inter-Library Loan (if your facility participates in the ILL).

Title	Author
Go Tell It on the Mountain	James Baldwin
The Courage to Heal: A Guide for Women Survivors of Child Sex Abuse	Ellen Bass & Laura Davis
How Can I Stop? (sex offenders)	Laren Bays & Robert Freeman-Longo
Co-Dependent No More: How to Stop Controlling Others and Start Caring for Yourself	Melody Beattie
Beyond Co-Dependency: And Getting Better All the Time	Melody Beattie
It Will Never Happen to Me (children of alcoholics)	Claudia Black
Broken Boys/Mending Men: Recovery from Childhood Sexual Abuse	Stephen Grubman-Black
Creating Love	John Bradshaw
Family Secrets: What You Don't Know Can Hurt You	John Bradshaw
Healing the Shame that Blinds You	John Bradshaw
Why I Love Black Women	Michael Eric Dyson
Obsessive Love: When It Hurts Too Much to Let Go	Susan Forward
Men Who Hate Women and the Women Who Love Them	Susan Forward
Toxic People: 10 Ways of Dealing with People Who Make Your Life Miserable	Lillian Glass
Getting the Love You Want: A Guide for Couples	Harville Hendrix
Keeping the Love You Find: A Guide for Singles	Harville Hendrix
Sisters of the Yam: Black Women and Self-Recovery	Bell Hooks
I'll Quit Tomorrow: A Practical Guide to Alcoholism Treatment	Vernon Johnson
Fire in the Belly: On Being a Man	Sam Keen
The Gendered Society	Michael Kimmel
The History of Masculinity	Michael Kimmel
How to Forgive When You Can't Forget	Charles Klein
Listening to Prozac (depression and medication)	Pete Kramer
The Dance of Anger: A Woman's Guide to Changing Patterns of Intimate Relationships	Harriet Lerner
The Dance of Intimacy: A Woman's Guide to Courageous Acts of Change	Harriet Lerner
The Dance of Deception: Pretending & Truth-Telling in Women's Lives	Harriet Lerner
When Anger Hurts (family issues)	Matthew & Judith McKay
Makes Me Wanna Holler	Eric Payne
The Road Less Traveled: Psychology of Love, Traditional Values, and Spiritual Growth	M. Scott Peck
Unfinished Business (Women & Depression)	Maggie Scarf
Intimate Partners: Patterns in Love & Marriage	Maggie Scarf

Appendix I

Family Outreach Night Information

An Informational Session For Family And Friends Of The Incarcerated



Presented by: The State Appellate Defender Office (SADO)

Who is SADO?

The State Appellate Defender Office (SADO) represents indigent criminal defendants on appeal from their felony criminal convictions. SADO has two office locations, in Detroit and Lansing. SADO attorneys represent those with convictions arising out of all counties within the State of Michigan. Visit www.sado.org to learn more.

How Can SADO Help You?

It can be a scary and confusing time when your loved one is convicted of a crime and sentenced to the Michigan Department of Corrections (MDOC). SADO would like to invite you to join us for a free informational session about what to expect after a loved one has been convicted and sentenced to prison. Talk with SADO staff about the process of appealing a conviction and how an appeal is different from the trial or plea proceedings, and learn how to stay connected with your incarcerated loved ones through visits and letters, and much more.

Parking and Other Information

Dates for upcoming sessions are listed to the right. A free parking option is offered to those attending in Detroit. Metered parking is available in Lansing for \$1/hour. If you plan to attend and would like more information about parking, please call 313-256-9833 or visit our website at: <http://www.sado.org/Articles/Article/119>.

Specifics of an individual's case will not be discussed at these sessions and legal advice will not be given. These sessions are intended to be informational only.

This Informational Session is offered four times in 2015 on the following dates and times:

- February 5, 2015, Thursday, in Detroit at 5:30 pm
- May 7, 2015, Thursday, in Lansing at 5:30 pm
- August 6, 2015, Thursday, in Detroit at 5:30 pm
- November 5, 2015, Thursday, in Lansing at 5:30 pm

Detroit Location: 645 Griswold, Suite 3300 Penobscot Building, Detroit, MI 48226

Lansing Location: 101 North Washington, 14th Floor Comerica Bank Building, Lansing, MI 48913

Sessions typically last until 7 pm. Specific topics may vary slightly depending on what attendees wish to discuss. Light refreshments will be provided. If you plan to attend, please call 313-256-9833 at least two days in advance to RSVP. The sessions are open to all.

Feedback from those who have attended in the past:

"The information you gave us today empowers us."

"Very grateful this was offered."

"You were very caring, compassionate and empathetic to us as a family."

"This is exactly what we needed!"

"Thank you for helping me understand."

"Program was very helpful and gave very useful information."

"This is our first experience with the criminal justice system. It has been heartbreaking. We appreciate the information we received."

Appendix J

Sample Sentencing Memos

STATE OF MICHIGAN

IN THE

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff-Appellee

Circuit Court No.

-vs-

Honorable

DEFENDANT

Defendant-Appellant.

_____ /

SENTENCING MEMORANDUM

NOW COMES Defendant, by and through _____ attorney, _____ and submits the following sentencing memorandum:

1. On _____, Defendant¹ was _____. Defendant was acquitted of one charge of _____.

2. On _____, Defendant was sentenced to concurrent terms of consecutive term for felony firearm. Defendant was not afforded an opportunity to allocute during sentencing.

3. On _____, the Court of Appeals remanded for resentencing on the basis that Defendant was denied his right to allocution in violation of MCR 6.425(E)(1)(C).

4. Defendant is scheduled to be resentenced on _____ before the Honorable _____.

¹ “Defendant” is used throughout this memo for the purposes of anonymity, but attorneys should always refer to clients by name in legal pleadings. The “defendant” label can feel demeaning to and harsh to clients. The use of your client’s name also reminds the reader that this is not just another case and your client is not just another defendant.

5. Defendant has been incarcerated for approximately 2 years and 1 month since his original sentencing on _____. On that date, he received 182 days credit.

MITIGATION AND OTHER CONSIDERATIONS

(A) Prison Record

6. Defendant has made a successful effort to further his development as a productive individual in prison.

On _____, Defendant successfully completed an Independent Study Course of Real Estate and an Independent Study Course of Financial Survival, both with an outstanding score of 99% and with the highest performance evaluation score possible. *See Appendix A.* On _____, Defendant received his General Education Development (GED), demonstrating that he learned “skills of communication, information processing, problem solving, [and] higher order thinking skills...to perform effectively in the workplace or in higher education as the top 40% of traditional high school graduates.” *See Appendix B.*

Defendant also completed his academic education program on _____ obtaining multiple ratings of “Excellent” for Behavior, Work Ethic/Effort and Attendance. *See Appendix C.*

Defendant is also on his way to satisfying all of his Reception Guidance Center recommendations. *See Appendix D.* Defendant is currently working as a Health Service Porter and is enrolled in the Career Technical Education course. *See Appendix E.* On _____, Defendant became enrolled in Custodial Maintenance, a vocational training class. *See Appendix F.* He is expected to complete the class in late May. On _____, Defendant also successfully completed a pathogens and bio-hazards course. *See Appendix G.*

Additionally, Defendant’s behavior in prison has been exceptional. He has never received any major misconducts or violations and has had no recent reports of minor misconducts.

(B) Personal Obstacles

7. Defendant has not had an easy life. His father has been incarcerated since he was in elementary school. Starting at about nine years old, he has been raised alone by his mother. Defendant also had to suffer the loss of his older brother who was murdered.

(C) Successful Employment History

8. Defendant has previously held jobs at _____ and at _____. As illustrated in the attached letters of support, Defendant often used the money he earned to help support his mother and sister. Conversations with his former employer at _____ indicate that Defendant was a valuable employee and very much respected at that establishment. According to his prior presentence report, Defendant's employer hoped to appear in Court to illustrate his support.

(D) Letters of Support and Recommendation

9. As illustrated in the letters submitted to the Court, Defendant has immense support from family and friends. *See Appendix H, Attached Letters.*²

Defendant's mother, _____, makes no excuses for the position that he is in. She admits that her son may be immature and in need of adjustments, but stresses that he has principles and values that will allow him to ultimately succeed.

Sister, _____, also has encouraging words about her brother. She describes Defendant as a leader, role model and an active church member and believer of God. She also described Defendant as a positive person who is always willing to help others.

² Even though you will be attaching the letters of support as appendices, it is still important to put that information front and center in your sentencing memo. You do not want to take the risk that a judge might not read the appendices, or may unintentionally skip something, so always include your best and most helpful points in the body of your memo.

_____ attests to Defendant's unselfish, responsible and helpful nature. She states that Defendant was responsible for half of every bill that was due while he lived with her, and that he also helped with things around the house and with watching his nieces and nephews while she had to work. Defendant did the same for his mother while living with her. _____ also describes Defendant's strong sense of community, which is illustrated by his kindness and helpfulness to neighbors.

Many friends also attest for Defendant's positive character, describing him as great to be around, always smiling, putting others first, exhibiting great love for his nieces and nephews, compassionate, caring and a loyal and important part of their lives.

_____, Defendant's former teacher and current principal at _____ School, indicated that although Defendant struggled at times, he always worked hard to improve. _____ believes that if given a chance, Defendant would be able to make a positive contribution to society.

(E) Remorse and Future Plans

10. Defendant expresses remorse and takes responsibility for his current position. He has had time to think about his future and what his plans will be after he is released. At only 24 years old he is looking forward to serving his time in order to promptly get back to his life where he can return the same support and love to his family and friends that they have shown him. He also hopes to develop a successful career in the computer and technology industry.

WHEREFORE, Defendant respectfully requests that this Honorable Court consider (1) his positive prison record, (2) the successful completion of his GED and several other educational programs while incarcerated, (3) his positive employment history, (4) his willingness to help others and his strong sense of community, (5) the obstacles that he has had to overcome in his own childhood, (6) his remorse and future career goals (7) and the support of his family and friends, in imposing a sentence at the bottom of the guidelines.

Respectfully submitted,

STATE APPELLATE DEFENDER OFFICE

BY:

MARILENA DAVID-MARTIN (P73175)

Assistant Defender

3300 Penobscot Building

645 Griswold

Detroit, Michigan 48226

(313) 256-9833

Date:

STATE OF MICHIGAN

IN THE

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff-Appellee

Lower Court No.

-vs-

Honorable

DEFENDANT

Defendant-Appellant.

_____ /

SENTENCING MEMORANDUM

NOW COMES Defendant-Appellant, **NAME**, through _____ attorney,
_____, and submits the following sentencing memorandum.

Background

Defendant-Appellant, **NAME**, pled guilty to _____ on _____ before the
Honorable _____ in the _____ County Circuit Court. Mr. Defendant³ was
placed on probation following his conviction of _____. On _____ this Court
sentenced Mr. Defendant to a term of 36 months to 8 years imprisonment and this Court
sentenced Mr. Defendant on the same day in Case No. _____ to 25 months to 8 years for
probation violation for an underlying conviction of _____. MCL 750.157(n)(1).

Mr. Defendant filed a motion to correct invalid sentence in the instant case on
_____ asserting that errors occurred in the scoring of the sentencing guidelines

³ “Defendant” is used throughout this memo for the purposes of anonymity, but attorneys should always refer to clients by name in legal pleadings. The “defendant” label can feel demeaning to and harsh to clients. The use of your client’s name also reminds the reader that this is not just another case and your client is not just another defendant.

due to an error in the scoring of prior record variable two (PRV2) and that the correct sentencing guidelines range would be 10 to 34 months, rather than the 21 to 36 months used at sentencing.

Following a hearing on the motion and additional briefing, this Court agreed that PRV 2 was incorrectly scored and that Mr. Defendant's corrected sentencing guidelines range should be 10 to 34 months and this Court granted resentencing.

This Court previously sentenced Mr. Defendant at the top of his sentencing guidelines range when the Court imposed the 36 month minimum term. Mr. Defendant now asserts that a 25 month minimum term is appropriate in this case because it is in line with the sentence imposed in his concurrent case, Case No. _____, because it would reflect his rehabilitative efforts so far and because it would allow Mr. Defendant to return to meaningful employment more quickly to begin to pay his restitution.

SADO's social worker, Nicole George, MSW, met with Mr. Defendant in preparation for his resentencing to identify Mr. Defendant's needs and to develop a sentencing plan to meet those needs. Some of Ms. George's assessments and recommendations are incorporated in this memorandum for the Court's consideration and her complete report is attached to the sentencing memorandum. *Report by Ms. George, attached as Appendix A.* The recommendations and data in Ms. George's report demonstrate that Mr. Defendant has begun the hard work of rehabilitation and will rehabilitate more quickly if he is granted a reduced sentence because he will be allowed to enter programming more quickly both within the Department of Corrections and upon release.

Mr. Defendant Requests a New Sentence of 25 months on the Minimum Term

Mr. Defendant asks that at the resentencing this Court impose new minimum term of 25 months.

At the original sentencing, the Department of Corrections recommended revocation of probation and incarceration, expressing concern that Mr. Defendant had not complied with the conditions of probation nor of the sex offender registry by not correctly reporting his address and by failing to report to probation as directed.

Mr. Defendant has used the time spent incarcerated in the Department of Corrections to demonstrate he can comply with rules and can be rehabilitated. It should be noted that Mr. Defendant received a PR bond while awaiting sentencing in this matter and complied with his bond conditions.

At this time, Mr. Defendant already successfully served nearly one year in the Department of Corrections, as well as significant time in jail beforehand, totaling nearly 19 months of incarceration. Mr. Defendant is classified as Level I security classification which is the lowest level an inmate can obtain based on institutional behavior, length of sentence and escape potential. *See attachments in Appendix B: Security Classification sheets, Department of Corrections Definitions, p. 4, "Security Classification."* Mr. Defendant received no tickets or misconducts while incarcerated. And, as noted in Ms. George's report, Department of Corrections staff report that Mr. Defendant is a model prisoner, so much that Mr. Defendant reports that they have agreed to "hold his bunk" for him while he is on writ, a rare consideration given the space constraints the Department continuously faces.

The Department of Corrections recommended that Mr. Defendant obtain a work assignment, and sex offender treatment while incarcerated. *Program Classification Report, attached to Appendix A, Report of Ms. George.* Mr. Defendant has obtained a prison job, and proactively sought career counseling while incarcerated, but appears to have been placed on the "wait-list" for sex offender treatment. *See Appendix A.*

Department of Corrections programs placement is based largely on inmate earliest release dates [ERD] (those who will be released earlier, get into programming earlier). If still required, Mr. Defendant could more quickly receive admittance to the sex offender treatment program with a 25 month minimum term because he would have an earlier ERD.

Mr. Defendant has obtained a prison job at the Michigan State Industries at _____ Correctional Facility as a sewing machine operator. The job entails great responsibility as Mr. Defendant is required to work with tools and machinery. While these are difficult jobs to obtain, Mr. Defendant reports that he was hired the day he was interviewed.

Mr. Defendant's low Security Classification, his proactive attempts to seek additional career programming, and prison job demonstrate rehabilitative potential.

As detailed in Ms. George's report, *Appendix A*, Mr. Defendant has expressed a regret for his actions and identified tools and supports to maintain it upon release.

Mr. Defendant wishes this Court to know that: "I accept full and total responsibility for my wrongful action. . . I am deeply sorrowful and guilt stricken. . ." ⁴

Mr. Defendant now has a very detailed re-entry plan which includes housing, transportation, counseling, daily planning and accountability, and which is set forth in Ms. George's report. Mr. Defendant has housing available at _____ and can return to his prior position at _____. ⁵

⁴ Mr. Defendant granted limited permission for some of his communications with the undersigned counsel's office to be shared with this Court for the specific purpose of preparing for his resentencing.

⁵ Even though you will be attaching supporting documents as appendices, it is still important to pull from those appendices and put that information front and center in your sentencing memo. You do not want to take the risk that a judge might not read the appendices, or may unintentionally skip something, so always include your best and most helpful points in the body of your memo.

Additionally, those who know Mr. Defendant well report a change in him since his incarceration and willingness to support him upon his release. His mother, _____, wrote to this Court in preparation for his resentencing stating that:

“Since _____ has been incarcerated I have seen his attitude change from denying he did anything wrong to accepting his responsibility.” [*Letter of _____*, attached as *Appendix C.*]

_____ also reports that she, and Mr. Defendant’s siblings will provide support as needed upon release.

In Mr. Defendant’s case the sentencing goals of punishment, deterrence, the need to protect society, and offender rehabilitation can be met with a reduced prison sentence. *See People v Snow*, 386 Mich 586 (1972); *People v Coles*, 417 Mich 523(1983). Mr. Defendant’s demonstrated commitment to his own rehabilitation and detailed re-entry plan which addresses his specific needs provides further protections against any possible recidivism.

WHEREFORE, for the foregoing reasons, Mr. Defendant respectfully requests that this Honorable Court impose a 25 month minimum prison term.

Respectfully submitted,

STATE APPELLATE DEFENDER OFFICE

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