

STATE OF MICHIGAN



HON. JENNIFER A. MAZZUCHI  
Circuit Judge

25<sup>th</sup> JUDICIAL CIRCUIT  
County Courthouse  
234 West Baraga Avenue  
Marquette, MI 49855

Phone: 906-225-8217  
Fax: 906-225-8215

March 15, 2021

Representative Sara Cambensy  
P. O. Box 30014  
Lansing, MI 48909-7514

Representative Gregory Markkanen  
S-1489 House Office Building  
P. O. Box 30014  
Lansing, MI 48909

Senator Ed McBroom  
P. O. Box 30036  
Lansing, MI 48909-7536

Re: Restoration of Marquette County Circuit Court Judge position

Dear Representatives Cambensy and Markkanen and Senator McBroom:

Thank you for your support of our request for restoration of a judicial position in the 25<sup>th</sup> Circuit Court. Attached is the proposal, signed by all Marquette County judges and accompanied by letters of support.

I look forward to discussing this in more detail.

Sincerely,

A handwritten signature in blue ink, appearing to read "JAM", with a long horizontal flourish extending to the right.

**Jennifer A. Mazzuchi**  
Circuit Court Judge

JAM/ck

## PROPOSAL FOR RESTORATION OF A JUDGESHIP IN THE 25<sup>TH</sup> CIRCUIT COURT

### HISTORY

In 2011, the SCAO Judicial Resource Recommendations report (JRR) recommended eliminating numerous judicial positions throughout the Upper Peninsula and across the state of Michigan. The recommendations were made in part based on an extensive analysis that was conducted by SCAO and which utilized data that had been collected in the years leading up to 2011.

In 2012, the legislature ratified a series of bills, which adopted many of the JRR recommendations for eliminating judicial positions. Since 2012 many of those judicial reductions have occurred, resulting in the loss of over 31 judicial positions since the legislation was enacted. The Upper Peninsula was disproportionately hard hit by the proposed reductions with nine positions initially being recommended for elimination. In Marquette County, the Circuit Court was reduced to one judge effective January 1, 2017, after having two judges since the early 1970s. Following the reduction, the remaining judges have worked to shift caseloads to accommodate the change through the concurrent jurisdiction plan. These changes have also had extensive administrative impact on staffing levels, duties, and other functions with each Court. Such efforts have been successful in part in addressing the reduction, but recent caseload increases have made continuing this approach more difficult.

### ISSUES

The felony caseload in Marquette County is at an unprecedented high. In the three years leading up to the 2011 JRR, Marquette County averaged 224 felony cases per year. Since that time, the felony caseload has increased dramatically. In 2016, there were 287 cases; 343 in 2017; 391 in 2018; 406 in 2019, and in 2020 there were 471 felonies bound over to Circuit Court. Even without regard to the impact of COVID-19 on the court's docket, these numbers present significant challenges with our existing judicial resources.

We have worked together to share the increased felony load, which impacts both District and Circuit Courts. A portion of our family cases, including personal protection order matters, are now assigned to the Probate Court Judge. Despite these efforts, all courts are impacted significantly by the dramatic caseload increase. These cases pose significant demands on court staff and related agencies, such as the jail and probation departments. Notably, the Michigan Department of Corrections has added an additional probation/parole agent to Marquette County as a result of the increased caseload.

Some of the changes and sharing of resources across courts have been positive, and we will maintain some of those practices. For example, we have developed a pretrial services program that offers supervision of defendants released on bond in both District and Circuit

Court. This has eliminated the "gap" in oversight when cases are bound over to Circuit Court, so we have consistent supervision throughout the life of a case.

The workload in Marquette County is significant. In 2019, SCAO reported that 23% of the caseload in the Upper Peninsula is handled by Marquette County, where there are currently only four judges. Historically, SCAO's formula attributes as much as 46% of the judicial workload to staff members, such as law clerks, referees and magistrates, referred to generally as quasi-judicial officers (QJOs). Prior to the reduction in 2017, the Circuit Court had zero QJOs. The reduction required the county to spend additional funds to add part-time referee hours to address domestic relations matters. There are no law clerks in Marquette County (or anywhere else in the Upper Peninsula); and for the criminal cases, in which the Circuit Court filings have increased significantly, there are no QJOs.

The reduction in resources has had an impact on the community as well. For several years the county has operated a Sobriety Court, a Juvenile Drug Treatment Court, and a Drug Treatment Court. Maintaining these specialty courts is challenging with a 20% reduction in judges and an increased felony caseload. For example, our drug court operates during the noon hour so that the court can accommodate the regularly scheduled hearings.

Our local Veterans Services Office has expressed interest in establishing a Veterans Court in Marquette County. With our central location and our available services office, we believe we are ideally suited for locating a regional veterans court. In addition, we continue to operate without any formalized track for the mentally ill population who have entered the criminal justice system. While we make efforts to recognize and consider mental illness in traditional bond, sentencing, and probation orders, we lack the degree of oversight a specialty court can offer.

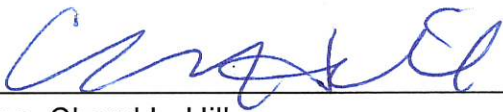
We believe that a specialty court directed toward increasing service to both veterans and to the mentally ill would be of significant benefit to our local court operations. However, at existing judicial staffing levels this is impossible.

## PROPOSAL

We respectfully request that the 25<sup>th</sup> Circuit Court be restored to two judges. This restoration will enable us to continue our existing specialty court operations, handle our increased caseload in a timely manner, and establish a Hybrid Mental Health/Veterans Treatment Court in Marquette County in conjunction with our local Veterans Service Office and community mental health providers. To date, the court system has been able to address service-related needs only informally, and without the structure often necessary to address the needs of veterans. Similarly, we are aware of mental health issues in many of our criminal defendants, but we lack a specialized program of oversight within the court system. Our existing concurrent jurisdiction plan would enable us to structure a hybrid court that accepts a variety of case types.

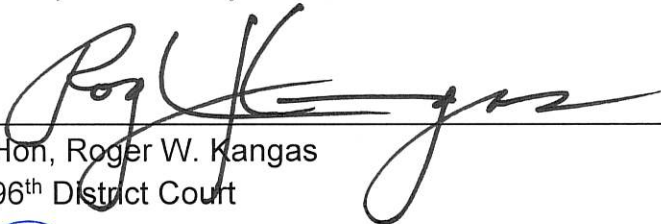
In short, we believe that our significant increase in felony filings and our desire to develop a Hybrid Mental Health/Veterans Treatment Court justifies reconsideration of the reduction in judges in the 25<sup>th</sup> Circuit. We appreciate SCAO's support of the recent effort to prevent the planned reduction of a judgeship in Menominee County based on many of the same reasons outlined in this proposal. As our county handles 23% of the workload in the Upper Peninsula, we believe our situation justifies this proposal. We respectfully request that you support the reinstatement of a Circuit Court Judge position in Marquette County.

Please feel free to contact any of us with questions or concerns.



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Hon. Cheryl L. Hill  
Marquette County Probate Court



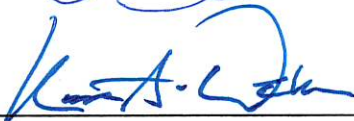
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Hon. Roger W. Kangas  
96<sup>th</sup> District Court



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Hon. Jennifer A. Mazzuchi  
25<sup>th</sup> Circuit Court



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Hon. Karl A. Weber  
96<sup>th</sup> District Court



**County of Marquette  
BOARD OF COMMISSIONERS**

**Courthouse Complex  
Marquette, Michigan 49855  
Phone: (906) 225-8151  
Fax: (906) 225-8155  
[www.co.marquette.mi.us](http://www.co.marquette.mi.us)**

Gerald O. Corkin, *Chairman*

Joe Derocha, *Vice-Chair*  
Karen Alholm  
Bill Nordeen  
Johnny DePetro  
Stephen Adamini

**RESOLUTION IN SUPPORT OF REINSTATING  
THE 25TH CIRCUIT COURT JUDICIAL POSITION**

WHEREAS, the Marquette County Board of Commissioners resolved to support the reinstatement of a Circuit Court Judge in Marquette County in 2019, and

WHEREAS, the Marquette County Board of Commissioners would like to reaffirm their support of reinstating a Circuit Court Judge in Marquette County, and

WHEREAS, Marquette County was assigned two Circuit Court Judges until legislation passed in 2011, with the reduction taking effect by attrition on December 31, 2016, and

WHEREAS, since that time, felony filings have increased nearly 60%, and it has become very difficult to process that caseload with one Circuit Court Judge, even with the assistance from other judges through concurrent jurisdiction plans, and

WHEREAS, Marquette County has only 4 judges and handles 23% of the total caseload in the Upper Peninsula, and


WHEREAS, the County's Veterans Services Officer has proposed a Veterans Treatment Court in 2019, but the Courts cannot embark on such a program without additional judicial resources.

THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners calls for legislation to restore a Circuit Court position in Marquette County.

**CERTIFICATION**

I, Linda Talsma, Clerk of the County of Marquette, Michigan, hereby certify that the above resolution was adopted by the Marquette County Board of Commissioners at their meeting held on the 16th day of February, 2021.

**Board action:** Comm. Derocha moved to support the resolution calling for legislation to restore a Circuit Court position in Marquette County. Second by Comm. Adamini. A roll call vote was taken: Ayes: Comm. Derocha, Comm. Adamini, Comm. Nordeen, Comm. Alholm, Comm. DePetro and Chairperson Corkin. Nays: None. Motion adopted.

  
Linda Talsma, Clerk



**MATTHEW J. WIESE**  
**MARQUETTE COUNTY PROSECUTING ATTORNEY**

**ANDREW G. GRIFFIN**  
*Chief Assistant Prosecutor*

Courthouse Annex  
234 Baraga Avenue  
Marquette, Michigan 49855  
(906) 225-8310 FAX: (906) 228-1649

*Assistant Prosecuting Attorneys:*  
DIANNE M. HEITMAN  
JILL M. SIMMS  
JENNA M. NELSON  
WILLIAM R. SULLIVAN

February 3, 2021

Representative Sara Cambensy  
P.O. Box 30014  
Lansing, MI 48909-7514

Senator Ed McBroom  
P.O. Box 30036  
Lansing, MI 48909-7536

RE: Reinstatement of Marquette County Circuit Court Judge Position

Dear Senator McBroom and Representative Cambensy:

I am writing this letter in support of reinstating a Circuit Court Judge position in Marquette County. With the elimination of a Circuit Court Judge position on January 1, 2017, Marquette County was reduced from a total of five to four judges. Under these circumstances the remaining four judges worked to create a local plan to provide the best access to the courts for the citizens of Marquette County. Unfortunately, at the time when we were reduced from five to four judges, our felony criminal case filings made a rapid and steady increase. This has resulted in the local plan not working as efficiently as it should due to an increased felony caseload.

Even though the corona virus pandemic has suspended jury trials, we are still regularly holding court hearings via Zoom and currently Marquette County has over 400 felony cases waiting to be scheduled for jury trials. Felony cases impact both the District and Circuit Court Judge's dockets. This has resulted in multiple preliminary examination hearings all being scheduled at the same time creating a chaotic atmosphere for victims, defendants, law enforcement, witnesses, court staff, the attorneys, and of course the judges. The result is a system where public safety is placed at risk and the parties do not receive the attention they deserve.

Historically, our numbers outlined below<sup>1</sup> from 2013-2016 were higher than normal, but still fairly typical to our felony case load trends. Anecdotally, we were accustomed to having 300 - 400 felony criminal case filings annually. What we were not accustomed to was exceeding 600 felony criminal cases annually, and in 2020 we exceeded over 800 felony criminal case filings of which more than half were bound over to the Circuit Court criminal trial docket.

As you can see, this large increase in felony criminal cases is attributable, in part, to methamphetamine felony cases. However, even if you take the methamphetamine cases out of the equation we would still have had over 600 felony criminal cases filed in 2020, a number that far exceeds our historical trend.

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<sup>1</sup> The felony case load numbers referenced in this letter are taken from the Adult Case Tracking system owned by the Prosecuting Attorneys Coordinating Council of Michigan.

**Felony Cases Authorized:**

2013: 404  
2014: 406  
2015: 386  
2016: 450  
2017: 554  
2018: 658  
2019: 667  
2020: 839

**Methamphetamine Felony Cases:**

2013: 28  
2014: 55  
2015: 57  
2016: 27  
2017: 28  
2018: 157  
2019: 150  
2020: 229

I believe this is a public safety issue. The citizens of Marquette County are entitled to have a court system that is staffed at a serviceable level to provide the efficient delivery of justice. As a part of the Marquette County law enforcement community I believe our felony criminal case load numbers support the reinstatement of the Circuit Court Judge position that was eliminated in 2017.

Do not hesitate to contact me if you have any questions, concerns, or desire any additional information.

Sincerely,



Matt Wiese, Marquette County  
Prosecuting Attorney

CC: Honorable Jennifer A. Mazzuchi, 25<sup>th</sup> Circuit Court Judge for the County of Marquette



## Office of the Public Defender

100 Coles Drive, Ste. #1  
Marquette, MI 49855  
906.226.4370 (t) 906.232.1024(f)  
mqtpubdef.org

Patrick J. Crowley, Chief Public Defender  
Jeffrey M. Schroder, Senior Public Defender  
Patrick L. Jennings, Assistant Public Defender  
Dakota A. Fountain, Assistant Public Defender  
Lauren Calef, Assistant Public Defender

February 17, 2021

Representative Sara Cambensy  
Michigan House of Representatives  
P.O. Box 30014  
Lansing, MI 48909-7514  
[saracambensy@house.mi.gov](mailto:saracambensy@house.mi.gov)

RE: Judgeships for the 25<sup>th</sup> Circuit Court for Marquette County

Dear Representative Cambensy,

I am writing to you in support of increasing the number of Circuit Court judgeships in Marquette's Circuit Court. As I am sure you know, the Marquette Circuit Court is the busiest Circuit Court in the Upper Peninsula and has historically had a make-up containing two judgeships. One judgeship was eliminated as a State cost-cutting measure in January of 2017 with the retirement of longtime Judge, Thomas L. Solka.

We are now left with a situation where one circuit court judge, and one district judge acting as a part-time circuit judge, must hear arraignments, take pleas, fashion sentences, hear motions, draft orders, conduct pretrial conferences and status conferences, and once the pandemic allows - conduct trials. This extensive list is only with respect to criminal matters and does not even consider the obligations of the same court to render hearings and trials in civil matters such as lawsuits and divorces.

My office was created largely through a grant from the Michigan Indigent Defense Commission in December of 2018. It took us (the Marquette County Public Defender's Office) several months to hire staff and to create the mechanisms allowing us to start representing clients, which we began to do in the Spring of 2019. Since that time, the criminal caseload in Marquette County has exploded with the methamphetamine epidemic that has ravaged our community. Last year Marquette saw more than a 20% increase in the number of felony files



opened. As the only source for indigent representation in the county, this office represents most of these defendants.

While I am extremely proud of the representation that this office provides to our clients, it is not lost to me that the mere existence of this office has SIGNIFICANTLY increased the work of the courts. Prior to the MIDC's existence, it was not unheard of for criminal defendants in this State to rarely hear from their attorney, or for cases to be pled out without motions being filed or investigators having been utilized. This office has the resources available to properly defend these cases, and we have a staff of attorneys with decades of criminal law experience representing Marquette's residents. Not only do we have the training, the resources, and the knowledge to represent these clients, we have the obligation to zealously represent our clients. This, put mildly, creates work for the courts. Every motion we file, every bond hearing we request, and every trial we force, requires a judge to be available too. While the quality of criminal representation has increased, so too has the workload and docket congestion for the 25<sup>th</sup> Circuit Court.

I am one attorney in a firm of five attorneys. I am aware of 10-15 other attorneys who represent the vast majority of criminal defendants in Marquette County. Due to the increase in felony files and the delays due to covid, I personally have more than 50 circuit court trials scheduled. If even half of those cases actually go to a jury trial, then I will single-handedly occupy upwards of 20-25 consecutive weeks of a judge presiding over nothing but my cases. When the numbers are properly multiplied by the caseload of the other attorneys, you can see how this is an impossible feat by one judge.

I am asking you to assist Marquette County in adding a Circuit Court Judge to the bench of the 25<sup>th</sup> Circuit. Should you have any questions, or if I may assist in any facet of this endeavor, please call me at 906.226.4370, or contact me anytime via email at [pcrowley@mgtco.org](mailto:pcrowley@mgtco.org).

Sincerely,



Patrick J. Crowley  
Chief Public Defender



## Office of the Public Defender

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February 17, 2021

Senator Ed McBroom  
P.O. Box 30036  
Lansing, MI 48909-7536  
[SenEMcBroom@senate.michigan.gov](mailto:SenEMcBroom@senate.michigan.gov)

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Sincerely,



Patrick J. Crowley  
Chief Public Defender

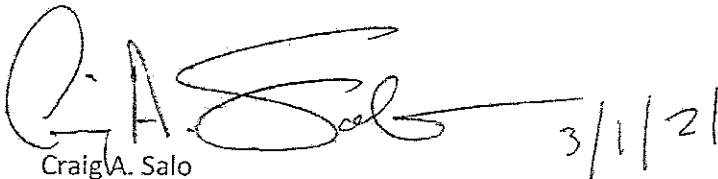
Marquette County  
Department of Veterans Affairs  
215 West Hematite Drive  
Ishpeming, Michigan 49849

Memorandum For: Marquette County District and Circuit Courts

Subject: Veterans Court Endorsement

1. The Marquette County Department of Veterans Affairs was established in 2014 and is committed to providing timely, accurate, and caring services to our veterans, surviving spouses, and eligible family members. We have advocated for the establishment of a Veterans Treatment Court within Marquette County to best support the 6,000 veterans who reside within our jurisdiction for the past 5-years and wholeheartedly endorse the its establishment in 2021.
2. Marquette County has one of the highest per capita veteran populations in the State of Michigan. This population combined with cultural propensities for both alcohol and drug abuse and geographic isolation combined with extremely long winters lends itself to a significant number of veterans processing through our criminal justice system. I have witnessed firsthand the effectiveness and successful individual outcomes of established treatment courts and this would certainly benefit our entire community.
3. Marquette County has an extremely strong network of veteran advocates federated throughout our local veteran service organizations, the Marquette County Veterans Alliance, and within our Department of Veterans Affairs. We acknowledge the complexity of resources required to establish this court, but we believe our extensive network of volunteer veteran advocates and mentors synchronized through our department can effectively help support the proposed specialty court.
4. Again, I can offer no stronger endorsement to best support, treat, and heal our veterans who will benefit from a Marquette County Veterans Treatment Court. Please do not hesitate to contact me for any additional information regarding this matter. I can be reached via email at [csalo@mqtco.org](mailto:csalo@mqtco.org) or telephone at (906)-485-1996.

Respectfully,

A handwritten signature in black ink, appearing to read 'Craig A. Salo', followed by a horizontal line and the date '3/1/21'.

Craig A. Salo  
Lieutenant Colonel (Retired), US Army  
Marquette Co. Veterans Affairs