

## Voters get a chance to curtail appeals

BY TIM RICHARD  
STAFF WRITER

Michigan voters will decide in November whether to stop automatic appeals by convicts who have pleaded guilty to crimes.

If voters say yes, it would cut the state Court of Appeals' work by about 25 percent.

"You still could ask leave (permission) to appeal," said Rep. Michael Nye, Republican co-chair of the House Judiciary Committee.

The House Tuesday gave 75 to 25 approval to the resolution, which last year had won Senate approval. A two-thirds vote of both chambers was necessary to place the issue on the ballot.

"I don't think we ought to mess with the Constitution," argued Rep. David Gubow, D-Huntington Woods, one of the dissenters. "All we're doing is shifting the caseload from the Court of Appeals to the circuit (trial) courts. It's a shell game. I don't think it will save any costs."

Rep. Maxine Berman, D-Southfield, also was opposed. "Those who plead guilty are doing so under advice of an attorney to plead to a lesser crime," she said.

But Rep. Alan Cropsey, R-DeWitt, favored passage, saying the Court of Appeals would be alerted to grant permission to appeal where the sentencing judge had departed from sentencing guidelines.

The Michigan Constitution (Art 1, Sec. 20) grants "an appeal as a matter of right." The ballot proposal would add the words: "except that an appeal by an accused who pleads guilty or nolo contendere (no contest) shall be by leave of the court" of appeals.

Spot checks by this newspaper revealed that on many days, the Court of Appeals issues 15 opinions; 14 are in cases where a prison inmate has pleaded guilty; 13 convictions

are upheld; and the 14th is remanded (sent back) to the circuit court for resentencing because the judge has sentenced too harshly without adequate explanation. Very rarely has a convict pleading guilty had his case reversed.

Proponents say the sentencing guidelines provide an automatic red flag for the Court of Appeals to grant leave to appeal. They say an automatic right of appeal is unnecessary.

Prosecutors support the amendment because of the expense they incur in writing 35-page reply briefs to convicts' appeals.

Each appeal is heard by a panel of three judges paid about \$110,000 a year apiece.

Michigan has 24 judges on the Court of Appeals. The court says it has work for more than twice that many judges, and that Michigan has the most overworked appellate court in the United States.

Backers of the amendment say it would eliminate 25 percent of the appellate caseload and the need for many new appeals judges.

The ballot proposal, known now as Senate Joint Resolution D, was sponsored by Senate Judiciary chair William Van Regenmortel, R-Jenison, and co-sponsored by Sens. Michael Bouchard, R-Birmingham, and Robert Geake, R-Northville.

SJR D next goes to the state Elections Commission to draft ballot language.

Here is how area representatives voted Tuesday:

OBSERVER area:  
Yes — Republicans Lyn Bankes of Redford, Jan Dolan of Farmington Hills, Jerry Vorva of Plymouth, Deborah Whyman of Canton and Democrat Richard Young of Dearborn Heights.

No — Democrat Justine Barns of Westland.

Absent — Democrat William Keith of Garden City.

## Pay up Lawmaker wants to bill convicts for tests

BY TIM RICHARD  
STAFF WRITER

Convicted felons would have to reimburse the state forensic laboratory \$150 for helping convict them under a bill making its way through the Michigan Legislature.

"Let's place the burden of the criminal justice system on those who create the cost," said the bill's sponsor, Rep. Jerry Vorva, R-Plymouth.

"When there's a need for forensic science to come in — either the state police labor or a large city's — and when it's used in a conviction, the guilty person will pay a fee. It's important to send a message to the criminal element," Vorva told the Senate Judiciary Committee Tuesday.

That panel voted 5-0 to send the House-passed bill to the Senate floor for action, though not without some eyebrow raising.

"Forensic test" means a drug analysis, toxicology analysis, examination of latent prints, microchemistry, serology, firearms, tool marks or questioned documents,

according to a Senate staff analysis. It would not cover blood alcohol tests.

### 10 percent affected

"Do you have any idea what number of cases (indigents) are represented by assigned counsel?" asked Sen. Virgil Smith, D-Detroit.

Vorva, a former police officer, estimated 25 to 30 percent of convicts would be able to pay the forensic lab fee.

Sen. Dan DeGrow, R-Port Huron, who does defense work, estimated 90 percent would be unable to pay. "You might be able to afford \$150 (lab fee) if not \$5,000 (for an attorney)," DeGrow added.

Janet Welch of the Supreme Court Administrator's Office also estimated 90 percent of convicts are indigent and unable to pay.

Welch asked that the court system by allocated 15 percent of any fees collected.

That annoyed Smith. "We pay the court's budget. Why are you asking us to do this? We pay for

every judge in the state."

If enacted, it would be Vorva's first bill to become law. It would take effect 90 days after the Legislature adjourns (about April 1, 1995) and would "sunset" two years later.

Vorva's bill would require a judge to charge the convict \$150 in addition to any fine or prison term.

### Lab overworked

Capt. Richard Lowthian, director of the State Police forensic science division, said his lab performs forensic work on 50,000 criminal cases a year. It also investigated 472 crime scenes and made 1,375 court appearances.

Lowthian said a graduate student at Central Michigan University surveyed 415 criminal justice professionals (sheriffs, prosecutors and police chiefs in the 39 largest cities) and found that 62 percent wanted forensic manpower and funding increased; 55 percent think it's inadequate.

"Simply put, the need for Michigan's criminal justice sys-

tem for forensic services has outdistanced my division's ability to deliver," Lowthian said in endorsing Vorva's bill.

"Backlogs are on the rise," Lowthian added. "One of our analysts had 20 subpoenas for 17 different courts in a single day. The emotional strain on these analysts is tremendous."

"Our division budget for fiscal '93 provides \$10.5 million for 163 full-time employees in laboratory operations. The division is in dire need of funding for equipment."

The Senate analysis said that if fees were collected in 25 percent of cases, \$650,000 in revenue could be generated.

Lowthian said Vorva's bill "means augmenting or supplementing our current funding and will permit us to secure the personnel and equipment we so desperately need."

Sixteen states have laws dedicating fines to forensic labs.

Refer to House Bill 4245 when writing to your state senator, State Capitol, Lansing 48909.

## Schoolcraft prepares Valentine's Day dinners

Schoolcraft College's Culinary Arts Department is selling Valentine's Day dinners to go.

For \$29 you get a salad, chicken with wine sauce, mushroom rice

pilaf, veggies, cherry tart and truffles. For \$39 you get Caesar salad, Beef Wellington, potato and leek gratin, veggies, cherry tart and truffles.

Orders must be received by 3 p.m. Tuesday, Feb. 8. Pickups are available on Friday, Feb. 11, for those who want to celebrate early, and for the traditionalist, from

noon to 6:30 p.m. at the Professor's Pantry inside the Waterman Center.

Call 462-4491.

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### Help us help you, SMART says

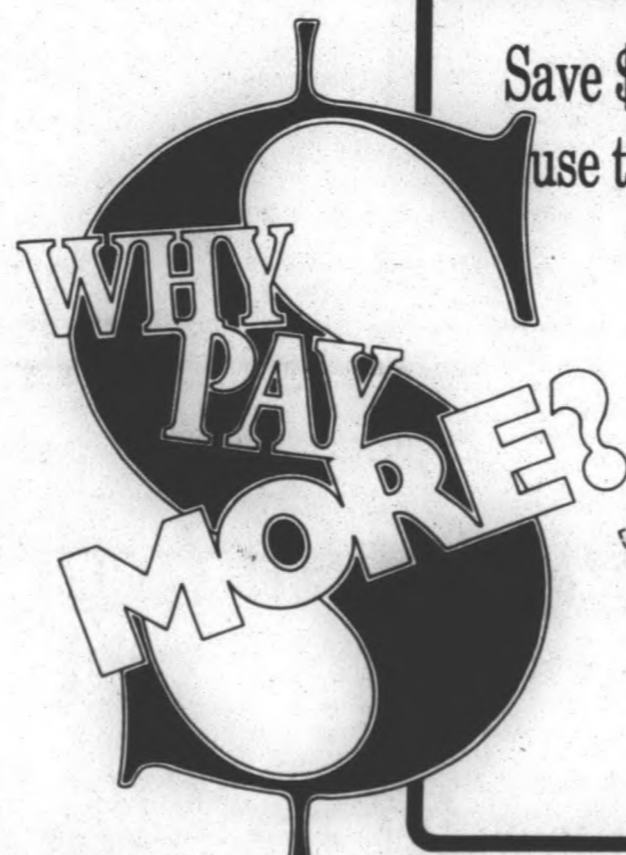
Officials of SMART are asking business persons how the bus system can better serve their employees.

Western Wayne County business folk are invited to meet with Michael Duggan, executive director of Suburban Mobility Authority Regional Transportation, 8:30

a.m. Wednesday, Feb. 9, at Westland's Bailey Recreation Center.

The idea is to get input from business owners and managers as to how SMART can best schedule its bus routes to serve people who have no other way to reach work.

Call 223-2308 to register for the meeting.



Save \$\$\$ on your weekly grocery bill when you use the coupons that we're going to insert in this Thursday's home-delivered **Observer & Eccentric** NEWSPAPERS



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