

# 2015 Annual Report



## 58<sup>th</sup> District Court

<http://miottawa.org/Courts/58thDistrict>

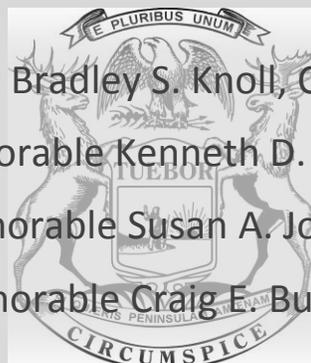
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Honorable Bradley S. Knoll, Chief Judge

Honorable Kenneth D. Post

Honorable Susan A. Jonas

Honorable Craig E. Bunce



## *A Note from the Chief Judge*

Each year our Court Administrator, Lori Catalino, is given the daunting task of preparing the Annual Report. Once again, she has succeeded beautifully in presenting the accomplishments of the 58<sup>th</sup> District Court in this 2015 Annual Report. I am honored to present it to the Ottawa County Commissioners, the County Administrator and our community.

Lori and I agree however, that 32 pages of pie charts, bar graphs, snapshots and anecdotes can only begin to tell the story of our court operations. The 58<sup>th</sup> District Court is arguably the most visible face of Ottawa County government. Over 50,000 people accessed our court last year. They come as joyous wedding parties, dutiful citizens performing juror obligations, payers of civil penalties, as civil litigants, crime victims, witnesses, accused criminals, convicted probationers, lawyers and law enforcement personnel. It is not a routine day for any of the people who come to our court and consequently, there are no routine days at the 58<sup>th</sup> District Court.

The performance of district courts is measured in several ways by the State Court Administrative Office. These measurements include file management practices, timeliness of case disposition, assessment and collection of financial penalties, timeliness of judicial entry of opinions and court user surveys. I am happy to report that the 58<sup>th</sup> District Court meets or exceeds those state standards in every category.

I am particularly gratified by the results of the Court User Survey conducted in 2015. A random survey of court users on a particularly busy day at each location asked respondents to rate the reasonableness of the time spent to accomplish their court business, whether the judge or magistrate treated everyone with courtesy and respect and whether the respondent understood what happened in their case after he or she left court. The responses ranged from 84% positive to 94%. The highest rating (94%) was the answer to the question of whether the respondent was treated with courtesy and respect by court staff.

We could not perform our many duties without the generous support and resources of Ottawa County government. We could not perform them as well as we do without conscientious judges, a talented management team and most importantly, our dedicated staff. Whether dealing with the trivial or the tragic, the “routine” or the extraordinary, the 58<sup>th</sup> District Court staff reflects the spirit of the community by their helpful, respectful and empathetic attitude toward the many and varied court users.

I am justifiably proud of our 85 employees. I hope this report provides an insight into the wonderful job they do for our county and its residents.

Respectfully submitted,

*Bradley S. Knoll*

Chief Judge for the 58<sup>th</sup> District Court

*The Judges of the 58<sup>th</sup> District Court*



**Honorable Bradley S. Knoll, Chief Judge  
Holland District Court**



**Honorable Kenneth D. Post  
Hudsonville District Court**



**Honorable Susan A. Jonas  
Holland District Court**



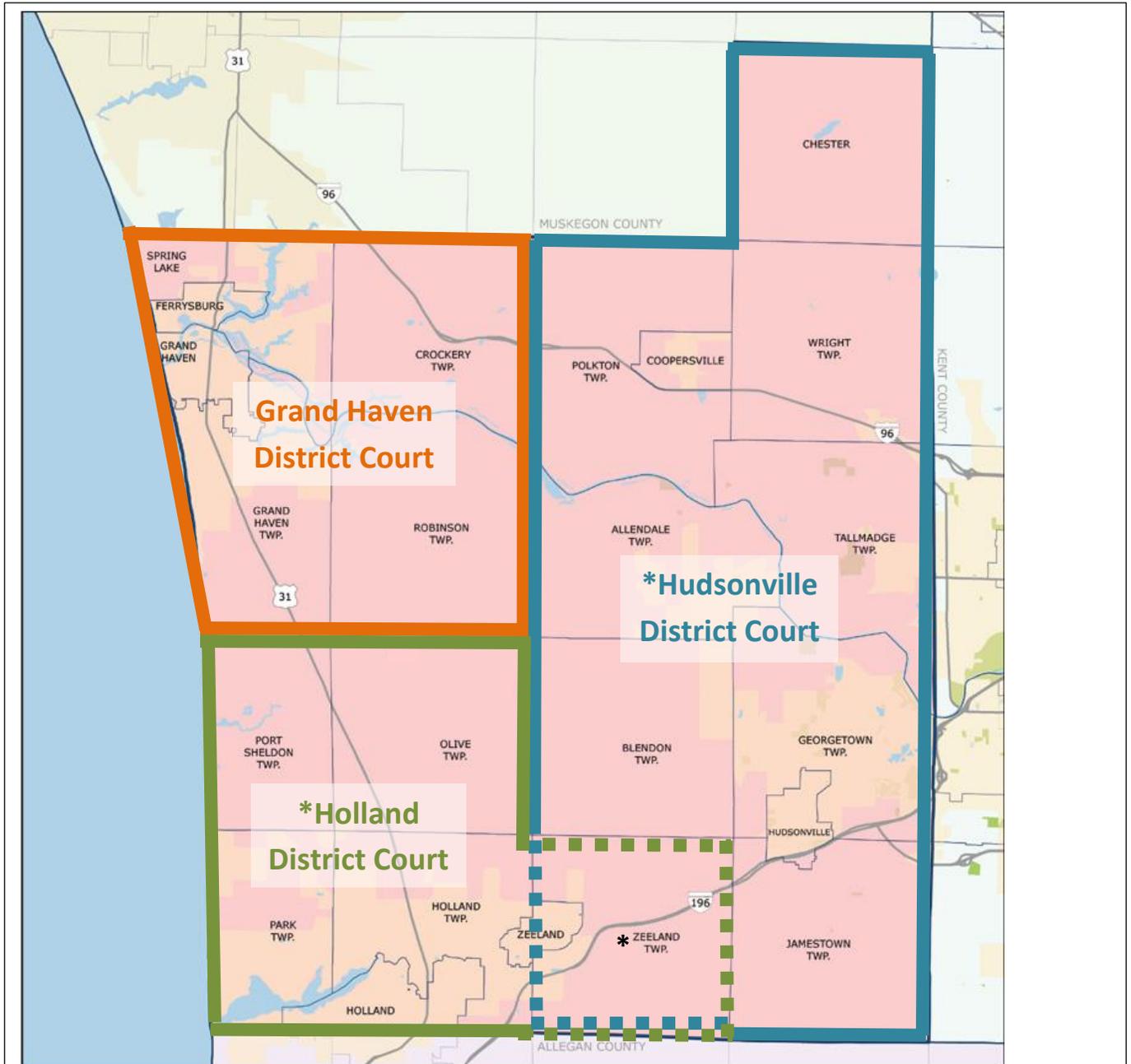
**Honorable Craig E. Bunce  
Grand Haven District Court**

## 58<sup>th</sup> District Court Organizational Chart



## District Court Venues

The three locations of the 58<sup>th</sup> District Court operate under a Local Administrative Order (LAO) approved by the State Court Administrative Office. Pursuant to that LAO, cases arising in Ottawa County are filed either in Grand Haven, Holland or Hudsonville based on the city, village or township where the incident occurred or cause of action arose.



OTTAWA COUNTY

\*Holland District Court's venue includes the portion of Holland City located in Allegan County as well. Hudsonville District Court's venue includes criminal cases from Zeeland Township while Holland District Court's venue includes civil cases and tickets from Zeeland Township.

# 58<sup>th</sup> District Court

## OUR VISION

Be sensitive and responsive to the needs of a diverse community.

Develop and maintain the highest level of services to the public and legal community to effectively and efficiently use public resources.

Utilize technology that will assist court personnel to increase citizen access and convenience to the court.

Promote a safe community, identify areas where intervention is necessary, network with other departments and agencies to persuade behavior change.

Recruit and maintain the highest quality staff, provide training, resources and support to meet the needs of internal and external customers.

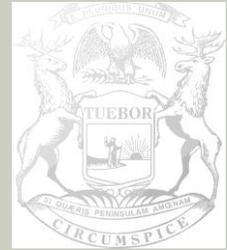
Insure that court procedures and structures best facilitate the expedient and economical resolution of matters before the court.

Share important management information with staff through quality communication.

Refine procedures and facilities that provide a secure environment for public and staff.

Promote innovative ways of resolving problematic issues facing the courts service to the public.

Continue to promote and investigate therapeutic and problem solving techniques for defendants and litigants.



## Our Mission

*The mission of the 58th District Court is to interpret and apply the law with fairness, equality and integrity and promote public accountability for improved quality of life in Ottawa County.*

The 58<sup>th</sup> District Court Judges and staff are committed to serving the Ottawa community with pride and sincerity. The Court is equally committed to continuous improvement through organizational and process review and implementation of innovative ideas. This mission is accomplished through regularly scheduled Judges meetings, staff meetings and Court Management Team meetings. Our Court Management Team is comprised of the Court Administrator, Trial Court Specialist, Chief Clerks, Director of Probation/Community Corrections, Assistant Director of Probation and the Probation and Community Corrections Coordinator. This team's purpose is to review personnel and budget issues, ensure proper case file management standards are observed, research and develop court policies and procedures, track and implement legislative and administrative mandates and participate in the necessary strategic planning efforts to move the Court forward. The Court also has a presence on various justice related committees all aimed at improving processes, improving information and knowledge sharing and developing lasting professional relationships.

***Congratulations to District Court employees Ryan Gamby, Kristin Caron and Mark Bos who all received the Ottawa County Outstanding Customer Service Award in recognition of their dedication to treating others with respect, dignity and going above and beyond to serve our community.***

Each of our three court locations is staffed by a Chief Clerk, Court Recorders and staff assigned to one of four divisions: Criminal, Traffic, Civil and Probation. Court staff is responsible for daily tasks including processing documents, receipting for and disbursing payments, scheduling hearings, responding to public inquiries and tracking every case filed in the Court from beginning to end. In 2015, our Court staff opened and processed nearly 50,000 cases, entered over 46,000 dispositions and received for over

7.1 million dollars. The Court also employs one attorney magistrate and two part time magistrates. The magistrates are appointed by the Chief Judge and are authorized under statute to conduct informal hearings on traffic tickets, issue search and arrest warrants, conduct arraignments, set bonds, accept some criminal pleas and conduct small claims hearings. In 2015, the magistrates also performed nearly 500 marriages. Along with all four Judges, the magistrates also serve nights and weekends on a rotating basis to authorize after hour search or arrest warrants.

***In 2015, over 50,000 citizens came through our courthouse doors or were served in some way by our Court staff.***

The Court would like to express gratitude and appreciation to all of the District Court staff for their dedication and hard work. Without them, the Court would not be able to provide the quality service and exceptional services to our community. Our Judges and staff are proud to serve the residents of Ottawa County and consistently receive positive feedback about our service and responsiveness.

## Artwork Dedication Ceremony at the Holland Courthouse

# [HIGHLIGHTS FROM THE YEAR]

Artwork created by several youth involved in 20<sup>th</sup> Circuit Court, Juvenile Services Division programs was unveiled and celebrated as part of the law week celebration in May 2015. The youth created three beautiful murals depicting parts of the Holland community that are meaningful to them under the direction of OAISD art teacher Angie Briggs-Johnson. These powerful murals showcase these gifted youths' incredible talent. The artwork is on permanent display in the main public stairwell at the Holland Courthouse.



## LEIN Audits

In 2015, all three court locations underwent LEIN (Law Enforcement Information Network) audits by the

*"This agency does an excellent job with warrant entry and second party checks"- MSP LEIN Auditor*

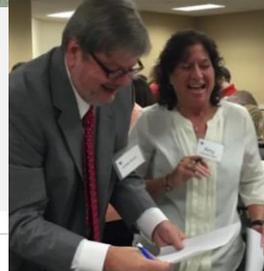
Michigan State Police. LEIN audits are required by the federal government to ensure all LEIN users are properly following federal CJIS security

policies and requirements. These audits require a significant amount of preparation and collaboration. Areas of review include administrative policy and procedure compliance, properness of criminal history inquiries, data quality and technical security. All three District Court locations passed the administrative components and worked closely with IT to become complaint with all of the new technical security requirements adopted by the federal government.

*"There were only 3 errors out of 1,500 data fields for a 0.3% error rate. That is excellent."*  
- MSP LEIN Auditor

## All District Court Staff Meeting

On October 29, 2015, the entire District Court staff from all three locations came together for a professional development day. Staff heard presentations from the Sheriff's Department on proper active shooter protocols and from SCAO on ethics. Staff were updated on various programs and projects happening throughout the court and engaged in various team building activities.



## ***New Court Collections Program***

In September 2015, the Ottawa County Board of Commissioners approved a new full time Collections Clerk in the District Court. While the District Court has historically followed all of the guidelines with regard to trial court collections as set forth by the Michigan Supreme Court, there were still opportunities to take an even more proactive and comprehensive role in collection efforts. Moreover, having a dedicated collections clerk in the District Court allows for implementation of more cost effective collection methods by reducing expensive Show Cause and Bench Warrant hearings and implementing best practice collections efforts. Additionally, this focus on compliance

*“I WANT TO THANK YOU FOR EVERYTHING YOU’VE DONE FOR ME AND HELPING ME . . . I AM LOOKING FORWARD TO STARTING A JOB TODAY.”*

*- EMAIL RECEIVED FROM A CITIZEN AFTER MEETING WITH THE COLLECTIONS CLERK*

with court ordered financial obligations has significant secondary noteworthy benefits to our community such as restoring victims by collecting more restitution, building better, more personal relationships with the citizens the court serves, being able to link unemployed defendants up with employment agencies and ensuring collection of all statutory fees owed to libraries, Ottawa County and local municipalities. All of these additional benefits enhance the community’s sense of security and trust in Ottawa County services and the entire judicial process.

For the last four months of 2015, the new collections clerk began working closely with the Chief Judge and court administration to build a more robust District Court collections program. This new program focuses on the following key components: Obtaining and reviewing defendant’s financial statements regarding assets, bank accounts, employment and other sources of income; Effectively locating defendants, especially due to the large number of tickets/offenses committed by out of county residents; Preparing income tax garnishments on defendants with higher/targeted outstanding balances; Establishing and enforcing voluntarily payment plans; Preparing wage assignments, orders to show cause and bench warrants when defendants are in default of payment obligations; Actively monitoring all court dockets to ascertain appearance dates to be proactive in reaching out to defendants with unpaid balances; Sending out billing notices, including delinquency notices, balance information and reminders of payments.

### **Success during the first 4 months of this new program . . .**

- PREPARED AND FILED OVER 1,300 STATE OF MICHIGAN INCOME TAX GARNISHMENTS FOR OUTSTANDING UNPAID CIVIL INFRACTIONS
- SUCCESSFULLY GARNISHED \$64,000 AS A RESULT OF FILING THE INCOME TAX GARISHMENTS
- PILOTED A PROJECT OF SENDING OUT NEARLY 500 INVOICES ON OUTSTANDING UNPAID CIVIL INFRACTIONS
- SUCCESSFULLY COLLECTED OVER \$16,000 ON OUTSTANDING UNPAID CIVIL INFRACTIONS AS A RESULT OF THE INVOICE PILOT PROJECT

## Innovative Drug Testing and Screening

In February 2015, the Probation & Community Corrections Department initiated a new drug testing system in each court location by introducing Thermo Fisher’s Indiko Plus automated analyzers and Paracelsus, a toxicology data management tool. The automated analyzers eliminated the previous practice of using pre-determined 4-panel drug “dip cards”. Staff subjectively interpreted dip card results in determining drug use and/or sample adulteration. The 4 panel dip cards did not allow for customized drug testing for the probationer nor did they allow for alcohol testing.

Alcohol testing was previously done through Preliminary Breathalyzer Tests (PBT) conducted at the probation department and at random home visits. PBT tests however are only effective in detecting alcohol consumed within a few hours of the test. Ethyl glucuronide (EtG) testing is a more effective means of testing for alcohol consumption which has occurred up to 80 hours before the test.

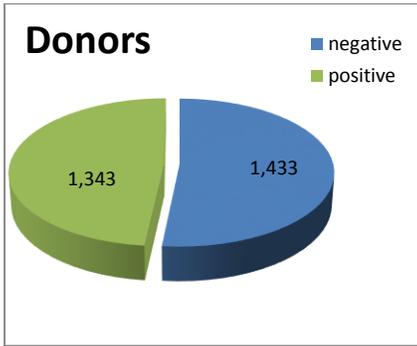
In the past, the submission of urine samples to an outside source for EtG testing had been a time consuming and expensive procedure with substantial delays in receipt of the results of those tests. The system in place now allows for EtG testing on site at substantially diminished cost with instant results.

### An example of a test result showing positive for marijuana:

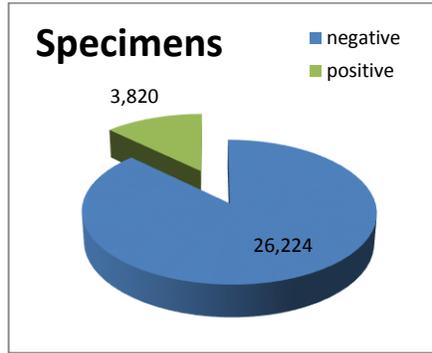
Screening Results			
Test	Result	Measurement	Cutoff
Amphetamine	Negative	30.0 ng/ml	>= 1000 ng/ml
Benzodiazepine	Neoaative	26.0 ng/ml	>= 200 ng/ml
<b>Cannabinoid</b>	<b>Positive</b>	<b>39.4 ng/ml(20.0)*</b>	<b>&gt;= 20 ng/ml</b>
Cocaine	Negative	7.0 ng/ml	>= 150 ng/ml
EDDP Methadone Metabolite	Negative	-33.0 ng/ml	>= 1000 ng/ml
Ethyl Glucuronide	Negative	-36.0 ng/ml	>= 500 ng/ml
Opiate	Negative	-2.0 ng/ml	>= 300 ng/ml
Oxycodone	Negative	1.0 ng/ml	>= 100 ng/ml
Creatinine	Normal	185.0 mg/dl	< 20 mg/dl



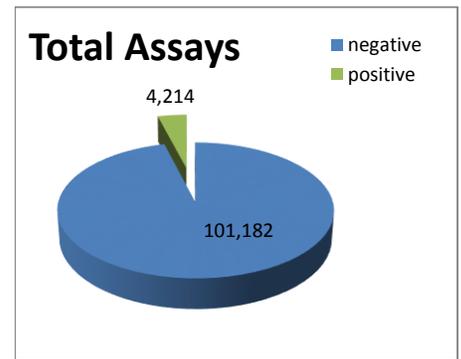
The new and more accurate drug and alcohol testing procedures produce two distinct benefits in addition to the reduced time and costs. First, the results are more reliable so that probation staff and the judges have a higher degree of certainty that a probationer has actually used a prohibited substance. Secondly, a more reliable and sophisticated testing procedure provides a higher level of deterrence. A probationer who knows that prohibited use is likely to be detected is less likely to violate. One of the ultimate goals is to enforce abstinence. The new system assists the probation in achieving a drug and alcohol free lifestyle and increases community safety.



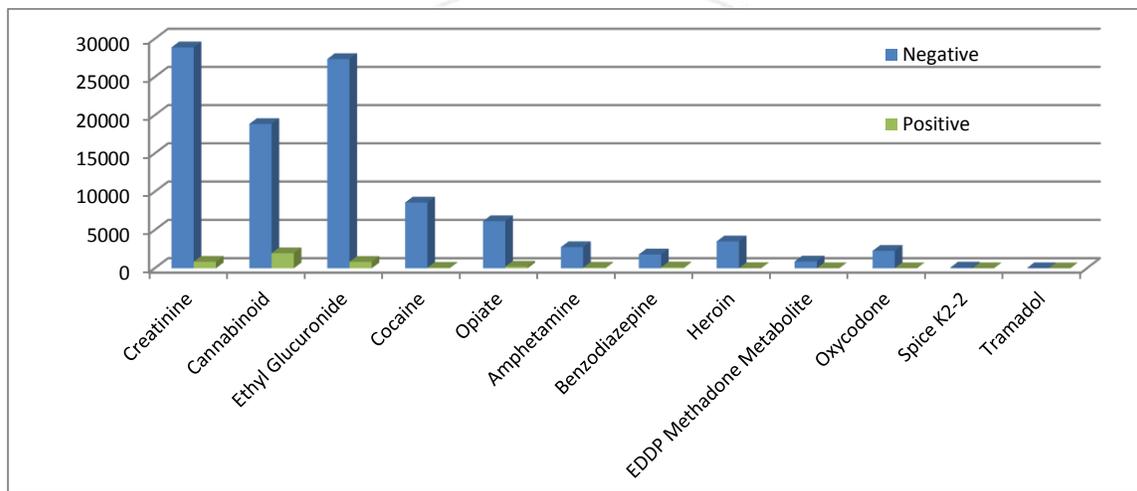
48% of the donors had at least one positive assay



13% of the specimens tested positive for at least one assay

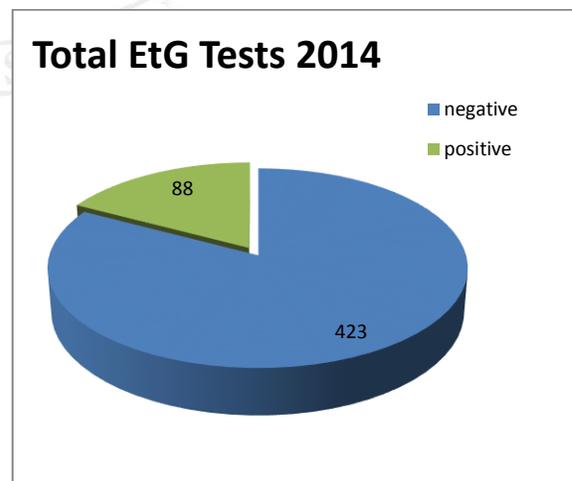
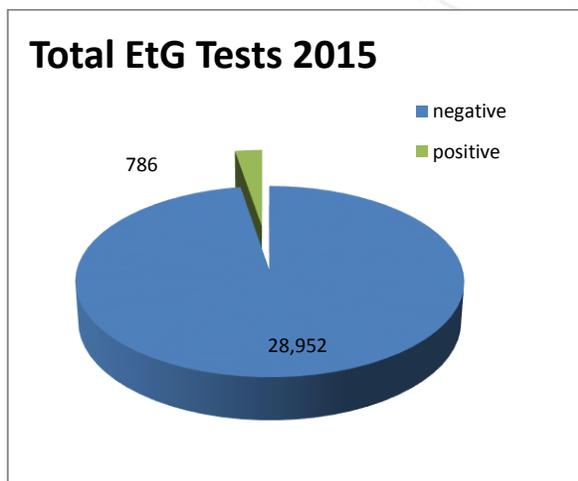


4% of the assays were positive



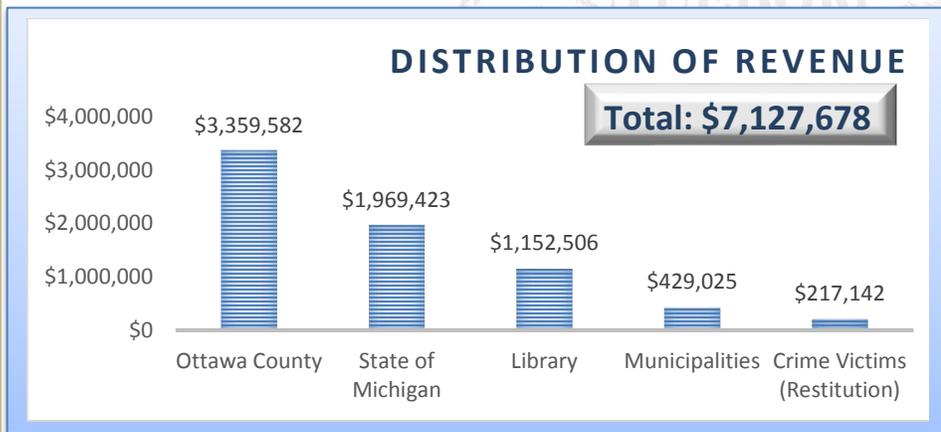
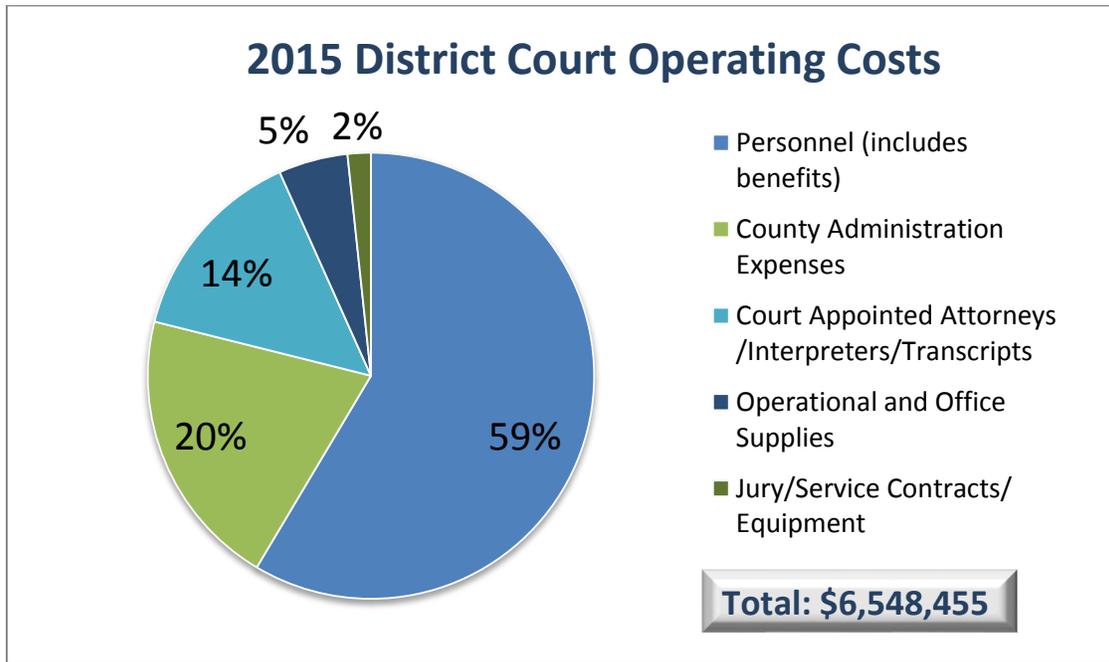
9% of the marijuana tests were positive  
3% of the opiate tests were positive

3% of the EtG tests were positive  
1% of the cocaine tests were positive



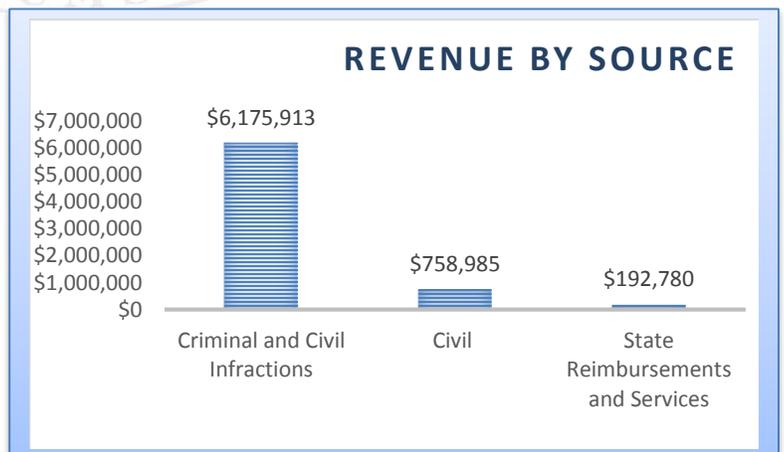


## Expenses

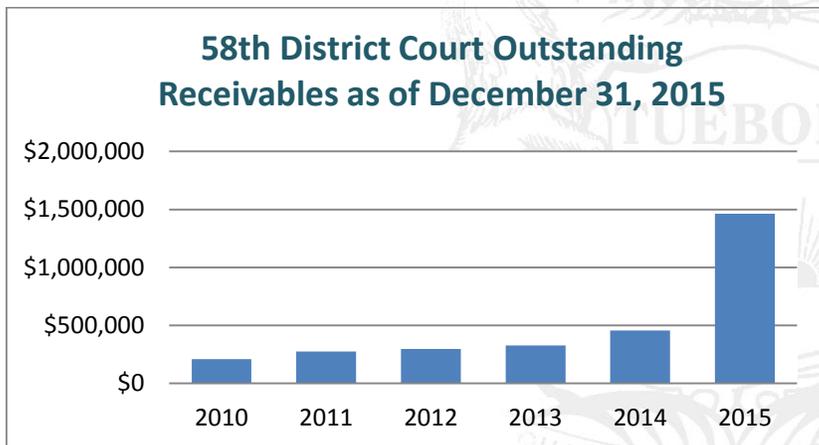
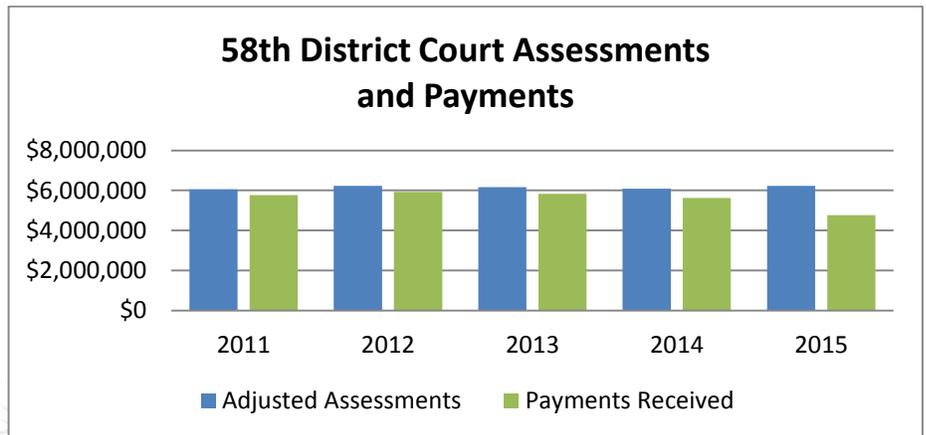


## Revenue

In 2015, the District Court collected a total of \$7,127,678 in revenue. These graphs show how the Court's revenue was distributed and the originating source of the revenue.



The 58th District Court takes pride in our efforts to collect assessed fines, costs and restitution and continues to lead District Courts in the state in high collection rates. Diligently enforcing the financial sanctions imposed by the Court is vital to maintaining the Court's integrity and credibility by insuring appropriate compliance with the Court's orders. Moreover, successful collection efforts increase County revenue while also providing restorative justice to victims and increasing citizens' sense of security and public trust in County services and the entire judicial process.



The 58<sup>th</sup> District Court collections program is closely monitored by the State Court Administrative Office to ensure all the Court's collection efforts are in compliance with all requirements outlined in the court rules, statutes and published performance metrics. The 58<sup>th</sup> District Court is consistently deemed in compliance with having a comprehensive collection program and also has one of the highest collection rates in the state compared to other District Courts in the state.

\*\*The overall collection rate and outstanding receivables for sanctions imposed in 2015 is lower than collection rates from previous years because the debt assessed by the Court in late 2015 will be adjusted and collected within the first few months of 2016. The Court anticipates the 2015 collection rate will be comparable to previous years' rates by mid-2016. The Court is required to report our outstanding receivables by revenue code, age of debt and by case type to the State Court Administrative Office for the time period of July 1 through June 30 every year.

### Collection Rates

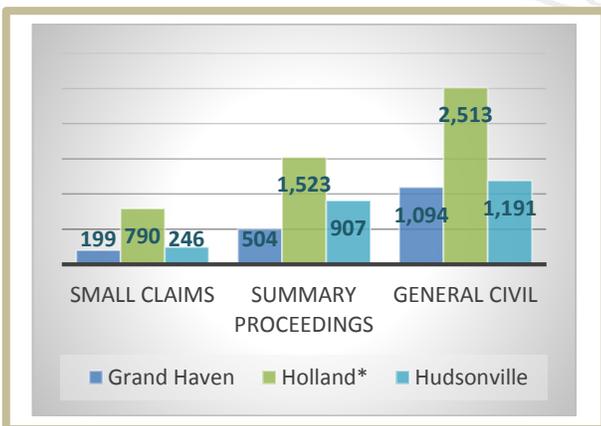
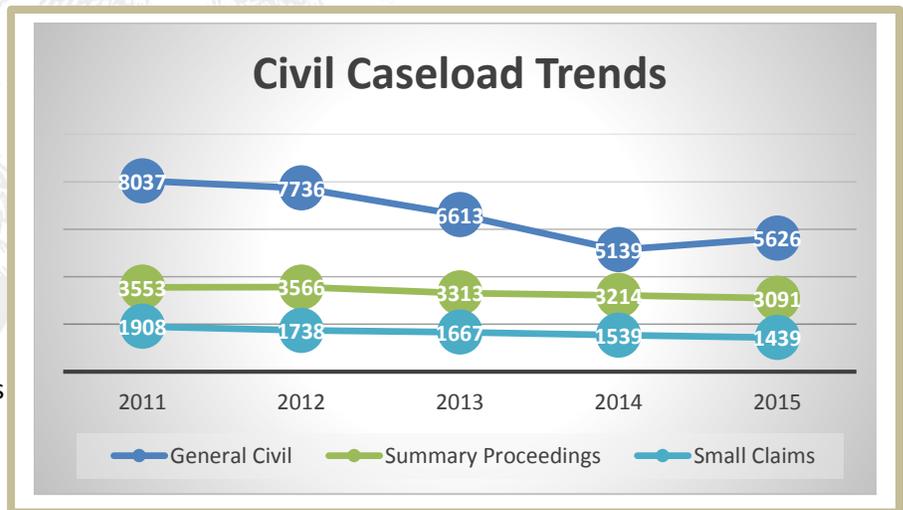
Sanctions Assessed	Sanctions Collected as of December 31, 2015
2011	96.2%
2012	96.1%
2013	95.6%
2014	93%
2015	79.1%**

## CIVIL CASES IN THE 58<sup>TH</sup> DISTRICT COURT

The District Court’s general civil jurisdiction covers disputes where money judgments are sought in an amount not exceeding \$25,000 for conduct alleged to be tortious, in breach of contract or otherwise in violation of civil law. Parties may also file claim and delivery actions in the District Court seeking to recover personal property.

The District Court’s jurisdiction includes cases brought under the Summary Proceedings Act. These special proceedings provide for the prompt resolution of disputes between landlords and tenants relating to the payment of rent or other terms of the rental agreement. Parties seeking the repossession of real property following mortgage foreclosure or forfeiture of land contracts will also normally employ the expedited procedures set forth in the summary proceedings statutes. The District Court exercises both legal and equitable powers in adjudicating and enforcing the rights of parties to these actions.

Small claims proceedings also fall within the District Court’s exclusive jurisdiction. In civil actions where money judgments are sought for no more than \$5,500 (\$6,000 beginning January 1, 2018; \$6,500 beginning January 1, 2021 and \$7,000 beginning January 1, 2024), the parties may agree to the more informal procedures under the Small Claims Act. Small claims trials made be held before the judge or magistrate. There is no right to a trial by jury, representation by an attorney or appeal of a judgment entered by the judge. A party sued in small claims court may elect to remove the case to the general civil docket to preserve those rights. A trial in small claims court is a more informal procedure with relaxed rules of pleading and evidence. The goal of the judge or magistrate is to arrive at a prompt decision that provides “substantial justice” for the litigants.



In many civil cases brought in the District Court, one or more parties are not represented by an attorney. The District Court staff is well trained to provide courteous procedural assistance to these unrepresented litigants without giving legal advice. Additionally, small claims and summary proceedings actions require a higher degree of staff time in preparing and processing, summons, arranging for service of process and preparation of judgments than in cases brought in the regular civil docket where more of the responsibilities fall on the parties or their attorneys.

\*There are two judges who preside at the Holland Court, one judge who presides at the Grand Haven Court and one judge who presides at the Hudsonville Court.

## *Criminal Cases in the District Court*

### *Search and Arrest Warrants:*

All criminal cases originate in the district court in Michigan. Moreover, the district court is often involved early in the criminal investigation process since all search warrants are issued by district court magistrates or judges. Search warrants are commonly issued after business hours to obtain a blood sample from a person suspected of operating under the influence of alcohol or drugs who have refused to voluntarily submit to a field test. Thus, assigned judges and magistrates are available on a 24/7 basis, 365 days a year to receive and rule on search warrant requests. All judges and magistrates are equipped to review and issue search warrants electronically from various locations in the county. This procedure avoids the delay and inconvenience of requiring law enforcement personnel to travel to the judge's or magistrate's home to obtain an afterhours warrant. Search warrants are also issued to assist law enforcement in the investigation of drug, sex and other offenses by authorizing the search of homes, vehicles, computers and mobile electronic devices.

Arrest warrants are issued by district court judges and magistrates if authorized by the prosecuting official and upon sworn testimony establishing probable cause. Such warrants may be issued prior to an arrest or following a warrantless arrest by police where the prosecution authorizes the complaint. When issuing an arrest warrant, the judge or magistrate may allow a defendant to post bond and be released prior to his or her first court date. Alternatively, the judge may require that no release take place prior to the initial court appearance.

### *Arraignment:*

Following a warrantless arrest, an arrest warrant must be issued by the district court after being sworn to by law enforcement and authorized by the prosecutor. The defendant will then be arraigned before a district court judge or magistrate or bond will be set within 24 hours of the arrest. If a warrant is authorized prior to arrest, arraignment is required in the district court following the defendant being taken into custody. In most misdemeanor cases, a criminal charge can also be initiated by law enforcement without an arrest warrant by issuance of a citation to the defendant with instructions to appear in court on the next regularly scheduled arraignment day. In any of these situations, defendants appear in the district court in person or by video for purposes of arraignment where they are notified of the nature of the charges and possible penalty along with their constitutional trial rights. The defendant is also advised of the right to counsel including, where appropriate, the right to a court appointed attorney.

The court will also consider whether a defendant qualifies for pre-trial release and what type of bond or bond conditions may apply. In felony or domestic violence misdemeanor cases, the courts' probation department completes a bond screen for the judges' review before arraignment. The bond screen process provides the court with a detailed history of the defendant including past criminal behavior, employment and family information, mental health and substance abuse history. The judge uses this information to balance the general right of an incarcerated defendant to be free on bail with the risk of flight or criminal activity if released on bail.

### *Misdemeanor Cases:*

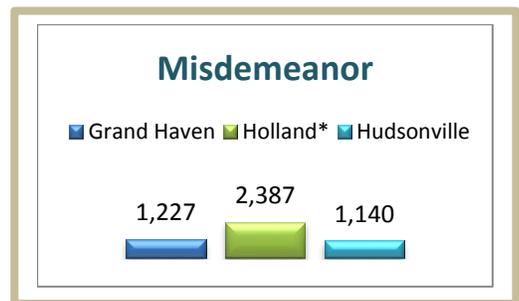
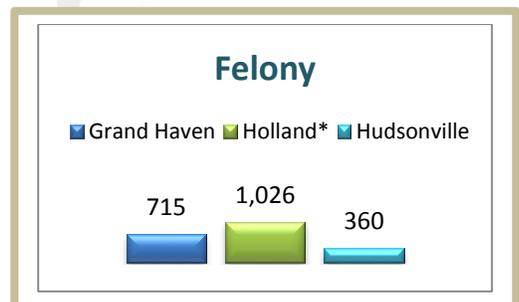
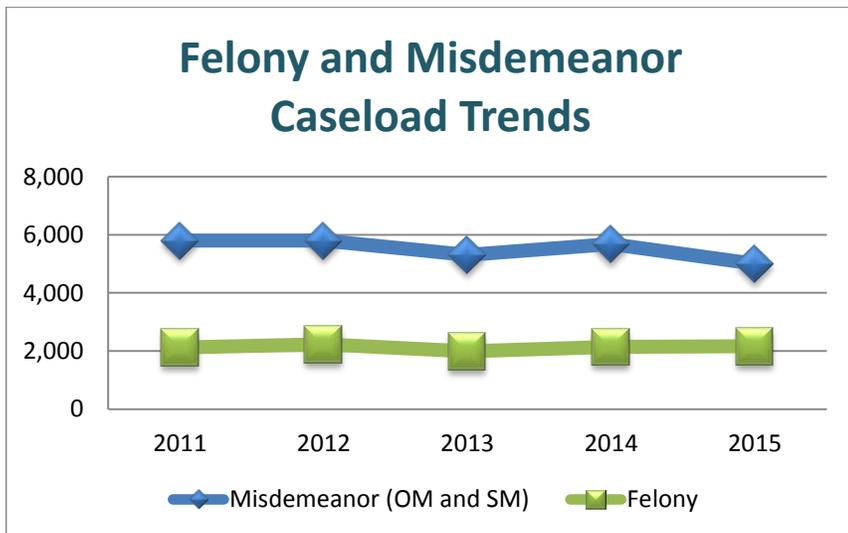
Misdemeanor cases will then proceed to trial or sentencing in the district court following entry of a plea by the defendant. Defendants convicted of misdemeanor charges following trial or guilty plea may be sentenced immediately. However, in many cases constitutionally guaranteed victims' rights will require an adjournment so

that the victim will have an opportunity to appear and make a statement at sentence. The court must order restitution to a victim as part of its sentence. Sentencing options include the imposition of jail, fines, court costs, restitution, substance abuse or mental health counseling, community service, vehicle immobilization, driver’s license suspension, deferred sentencing and/or participation in a treatment court.

**Felony Cases:**

The ultimate disposition of any offense that carries a maximum incarceration of more than one year in jail occurs in the circuit court. Prior to such a case being transferred or “bound over” to the circuit court, however, arraignment and preliminary examination are scheduled in the district court. At a preliminary examination the prosecutor is required to submit evidence that convinces a district court judge that “probable cause” exists to believe the defendant has committed a felony before the case will be sent to the circuit court for trial. Changes enacted by the Michigan Legislature in 2014 added a requirement of a “probable cause conference” prior to the preliminary examination and also broadened the authority of a district court judge to accept felony pleas of guilty before a case is sent to circuit court for sentencing. Both of these procedures were already in place in the 58<sup>th</sup> District Court but are now mandated on a state basis.

Since 2013, the Court has experienced a slight increase in the number of felony cases while misdemeanors have slightly fluctuated up and down through the years. However, one change in court procedure that was implemented is worth noting as it directly impacts the felony and misdemeanor caseload trend lines outlined below. In late 2014, the Prosecutor’s Office began making a concerted effort to include all charges against a defendant arising out of the same incident or transaction in one complaint. Thus, all charges are handled in one court case now rather than having multiple complaints resulting in multiple court files. The 2014 and 2015 caseload information below is reflective of having more charges handled in fewer court files so the slight downward trend in misdemeanor cases may be reflective of more multiple court complaints. The number of criminal cases filed in 2015 for each of the Court’s three locations is also separately outlined below.



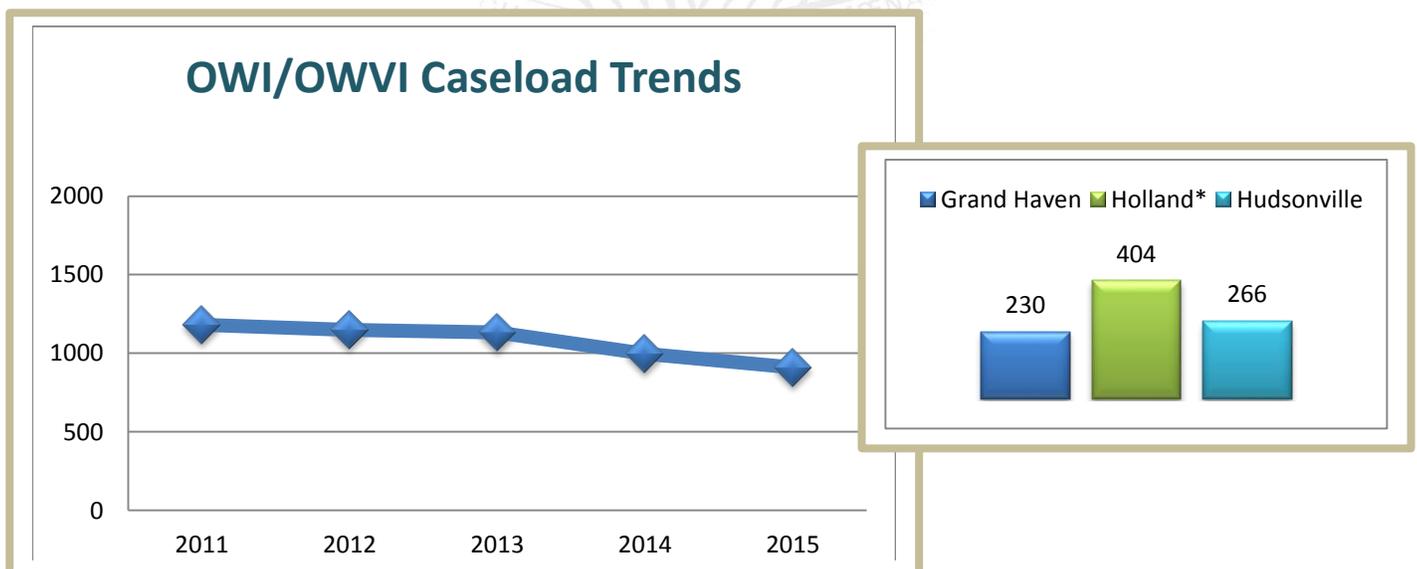
\*There are two judges who preside at the Holland Court, one judge who presides at the Grand Haven Court and one judge who presides at the Hudsonville Court.

## Operating While Intoxicated

Operating while intoxicated offenses involve a broad range of offenses brought under state statutes or municipal ordinances. Traditional charges of “drunk driving” involve allegations that a person has operated a motor vehicle while under the influence of alcohol or while visibly impaired by alcohol. Operating while intoxicated offenses now include charges of operating with an unlawful blood alcohol (.08%), operating with a high blood alcohol level (.17%) or a minor operating with an unlawful blood alcohol level (.02-.07%). The statutes also prohibit operation of a motor vehicle under the influence of a controlled substance, operating while impaired by a controlled substance or operation of a motor vehicle with any level of an illegal (schedule 1 and marijuana) controlled substance in a person’s body. Operating while intoxicated charges may involve aggravating circumstances which include operating with a minor passenger, offenses charged as a second or third offense, or operating while intoxicated causing death or serious injury. Some of these aggravating circumstances may elevate the offense from a misdemeanor to a felony level offense.

Despite the expansion of offenses chargeable as operating while intoxicated, the court has seen a general downward trend in charged offenses over the past three years.

Given the danger to the community posed by persons who operate while intoxicated, the court and probation department diligently monitor these people through various levels of intervention including the Sobriety Treatment Court, Intensive Supervised Probation and use of alcohol detection technology. This technology includes the use of automobile interlock devices, 24 hour alcohol monitoring devices which are used to monitor abstinence along with the traditional techniques involving random home checks and mandatory drug and alcohol testing at the court. The court also oversees referral to substance abuse therapy including 12 step programs. Violations of court mandated abstinence or therapy will result in probation violation complaints with the violator facing jail time and potential revocation of probation.



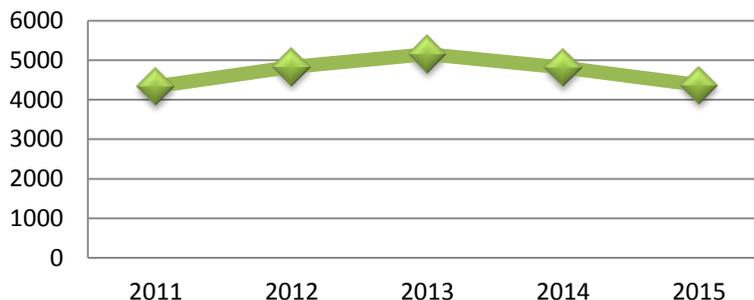
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# Criminal Traffic Docket

## FELONY AND MISDEMEANOR TRAFFIC

Criminal traffic offenses include such offenses as reckless driving, open intoxicants in a motor vehicle, driving while your license is suspended, no insurance, expired plates and failing to stop after involvement in a motor vehicle accident.

### Felony and Misdemeanor Traffic Caseload Trends



■ Grand Haven ■ Holland\* ■ Hudsonville



\*There are two judges who preside at the Holland Court, one judge who presides at the Grand Haven Court and one judge who presides at the Hudsonville Court.

## NON TRAFFIC CIVIL INFRACTIONS AND PARKING VIOLATIONS

District Court also processes and receipts for payments on many parking violations and other non-traffic offenses. Some of the most common non-traffic offenses include barking dog, dog at large, property code violations, noise/nuisance violations, watercraft offenses and state park offenses.

### Parking

■ Grand Haven ■ Holland ■ Hudsonville

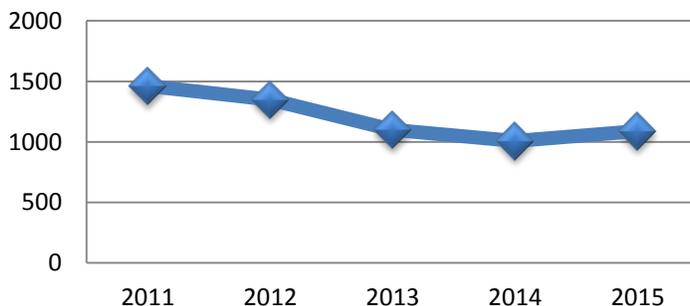


### Civil Non-Traffic

■ Grand Haven ■ Holland ■ Hudsonville

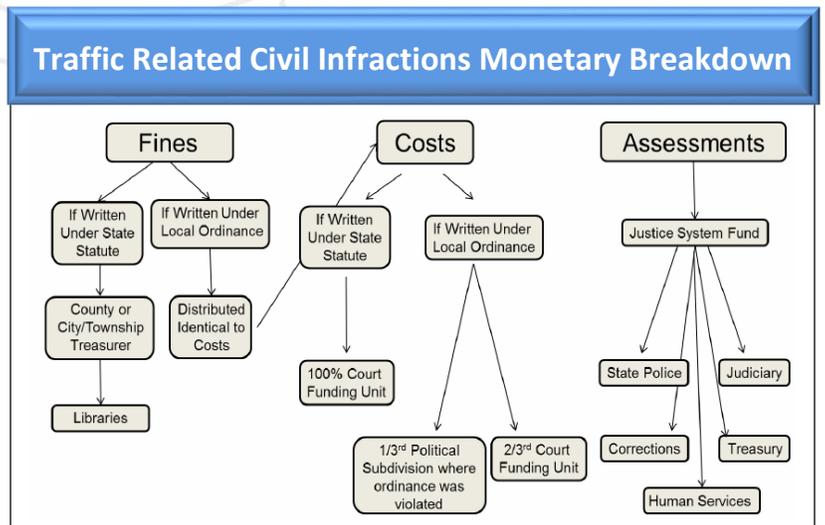
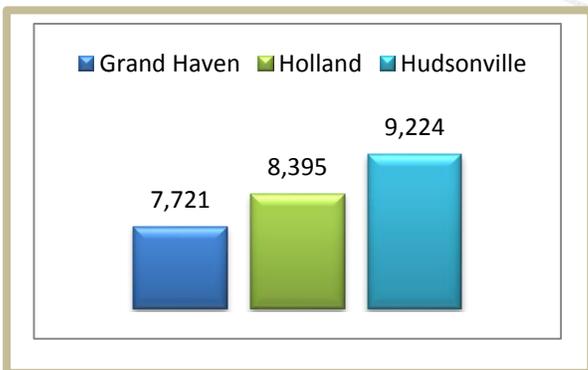
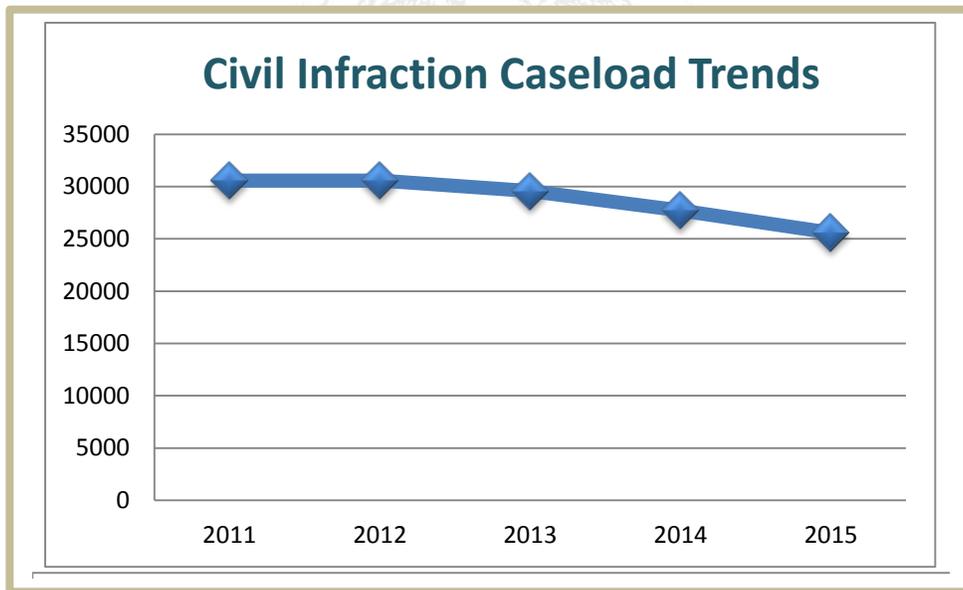


### Non-Traffic and Parking



# Civil Infraction Violations

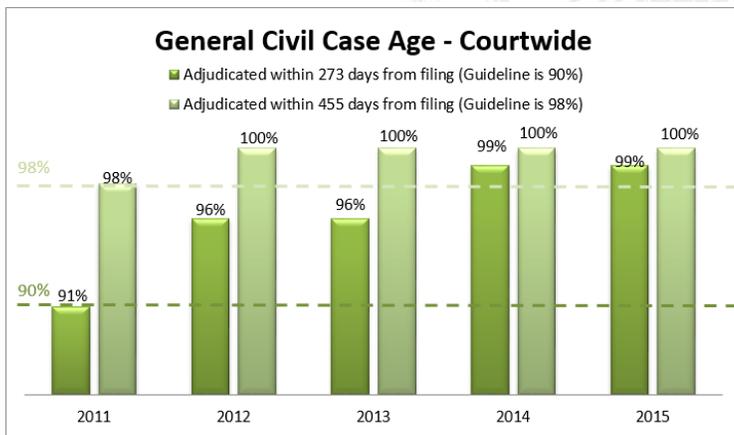
Most violations of the Michigan Vehicle Code are civil infractions which generally do not carry a jail penalty, the most commonly cited offense being speeding. A civil infraction can be charged under state statute or under a local ordinance by a municipality. A person charged with a civil infraction can admit responsibility for the infraction, pay their fine online or mail their fine to the District Court. A person may request an informal or a formal hearing if they deny responsibility for the infraction. At an informal hearing the evidence is presented to a magistrate without a prosecuting attorney present. At a formal hearing the evidence is presented by a prosecuting attorney to a district court judge. The defendant may be represented by an attorney to present the defendant's case. A defendant may appeal their case to a formal hearing if they are found responsible at an informal hearing. The number of civil infraction citations issued in Ottawa County have decreased by nearly 5,000 between 2011 and 2015.



# Case Clearance Rates and Case Age

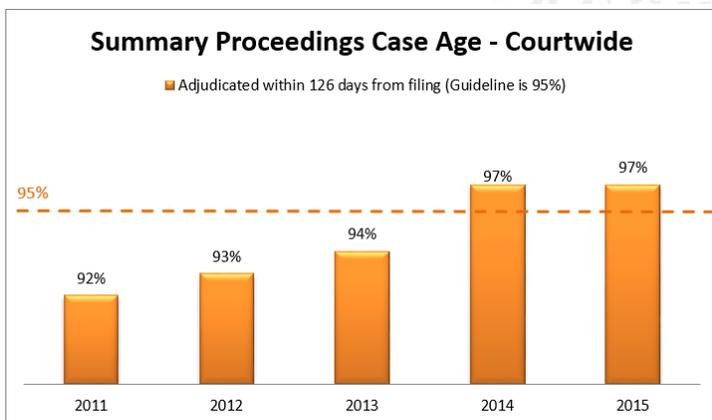
## Clearance Rates

Clearance rates compare the number of dispositions and the number of cases filed. Clearance rates naturally fluctuate above and below 100% and represent a key performance measure to gauge whether the Court is keeping up with its caseload. In 2015, the 58<sup>th</sup> District Court continued leading District Courts in the state for consistently maintaining 100% clearance rates across all case types.



## Age of Caseload

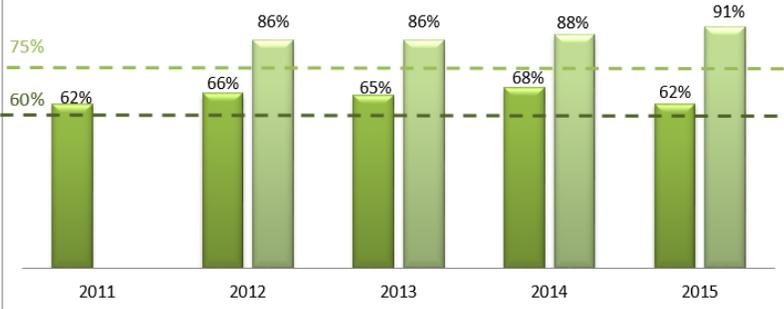
Measuring the age of active pending and disposed cases is fundamental to promote access to justice by ensuring the Court is processing and disposing of cases timely. The 58<sup>th</sup> District Court continues to either meet or exceed the case age guidelines set by the Michigan Supreme Court for each case type category. Our judges, management team and clerks continue to engage in process improvement to help insure these guidelines are met when feasible while also giving appropriate consideration necessary to provide procedural and substantive due process in each individual case.



# Case Age Continued

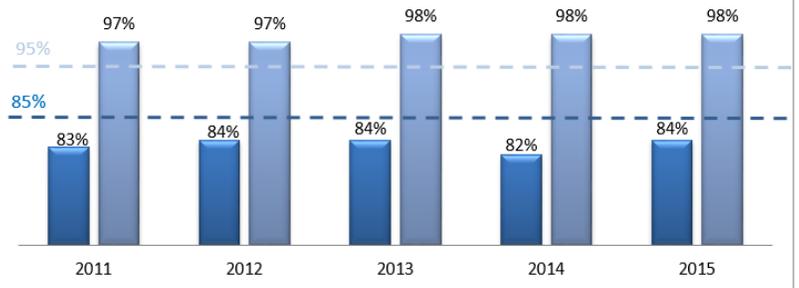
## Felony Case Age - Courtwide

- Prelim Exams held within 14 days of arraignment (Guideline is 60%)
- Prelim Exams held within 28 days of arraignment (Guideline is 75%)



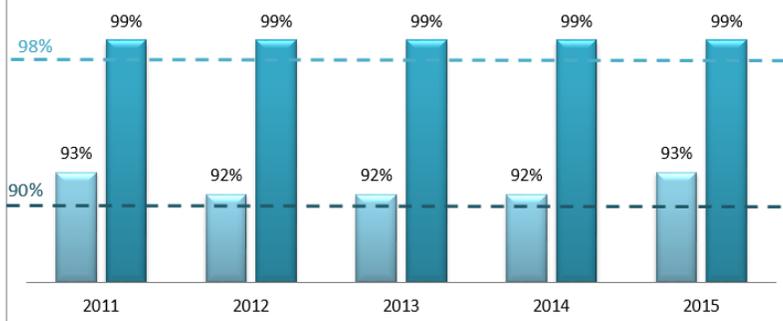
## Statute and Ordinance Misdemeanor Case Age - Courtwide

- Adjudicated within 63 days from appearance (Guideline is 85%)
- Adjudicated within 126 days from appearance (Guideline is 95%)



## Civil Infraction Case Age - Courtwide

- Adjudicated within 35 days from filing (Guideline is 90%)
- Adjudicated within 84 days from filing (Guideline is 98%)



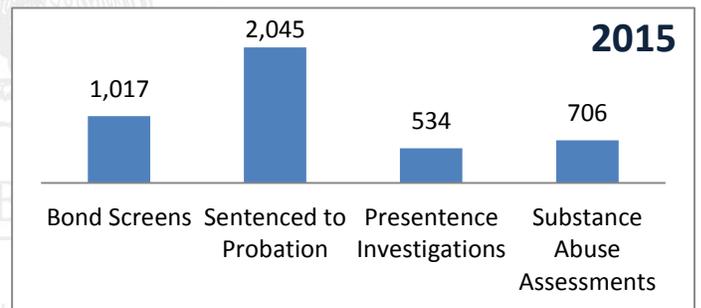
The mission of the 58<sup>th</sup> District Court Probation and Community Corrections Department is to enhance public safety by enforcing court orders while holding offenders accountable by utilizing services and resources.

## 58<sup>th</sup> District Court Probation

### Reports, Screens and Assessments:

Bond screens are conducted in order to assist the Court in setting bond at the initial court appearance for an offender. This screening provides information to the judge on factors such as the defendant's criminal and substance abuse history, mental health, record of court appearances, the seriousness of the offense and ties to the community. The bond screen is then considered by the judge to determine the defendant's threat to the community if released as well as their likelihood of returning to Court for future proceedings. The bond screen also provides information to assist this Court in setting bond conditions including whether no contact with the victim should be ordered and/or drug and alcohol monitoring is needed.

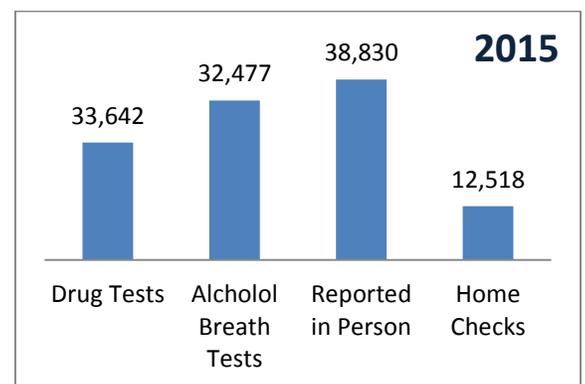
Following conviction, the judge may order a pre-sentence investigation. These are face-to-face interviews that a probation officer conducts with the offender, in order to gain background information. Pre-sentence investigations factor in the severity of the offense, prior criminal history, the possibility of drug or alcohol abuse, mental health issues and the offender's attitude. Additionally, victims of the offense will be contacted and advised of their right to speak at sentence and to have the Court determine proper restitution. The probation officer provides a written pre-sentence report to the Judge and defendant prior to sentencing.



A substance abuse assessment is a normal component of a presentence report. Completed by a trained probation officer or treatment specialist, it helps to determine the offender's suitability for substance abuse treatment and placement into a specific treatment modality/setting. This evaluation includes gathering information on current and past use/abuse of drugs, criminal history, treatment history, and familial and educational histories.

### Testing and Supervision:

Probation supervision involves either the probationer reporting to their probation officer at the office for a regularly scheduled meeting or submitting to a random drug or alcohol test. Field supervision officers will, however, often visit a probationer's residence to determine if the offender is abiding by their probation order, following curfew and to monitor their home environment. The officer may request that the offender submit to a preliminary breath test to check for alcohol, a search of their person or a search of their residence.



# SERVING OUR COMMUNITY

## Holland Sobriety Treatment Program

In May of 2015, the 58<sup>th</sup> District Court Sobriety Treatment Program in Holland celebrated 11 years of successful operation in changing lives and reuniting families. The Sobriety Court has had numerous successes during these years. These successes include supporting and helping participants receive treatment to maintain a drug and alcohol free life, seeing hundreds of participants successfully complete the program and a significant reduction in recidivism rates. The program was also designated as a National Academy Court for three years by the National Center for DWI Courts, in conjunction with the National Highway Traffic Safety Administration.



## Grand Haven Sobriety Treatment Program

In 2014, Judge Bunce started a Sobriety Treatment Program in Grand Haven to serve the number of northern Ottawa County residents who were not able to travel to the Holland Sobriety Treatment Program. Judge Bunce previously served as an assistant prosecuting attorney in Holland where he was an integral part of implementing and developing the Holland District Court's Sobriety Treatment Program. During the first two years of operation, the Grand Haven program has achieved favorable results comparable to the Holland program.



## Holland Mental Health Treatment Court

On July 1, 2014, the 58<sup>th</sup> District Court established a Mental Health Treatment Court (MHTC) with grant funds. The goal of this treatment court is to balance criminal justice goals, due process rights of the offender and mental health treatment and services. This balance is achieved through the use of court and community resources to connect participants with the appropriate and individualized treatment options while maintaining accountability for the crime committed and improving the overall community and public safety.



# Mental Health Treatment Court

*The MHTC facilitates participant engagement in individualized treatment to culminate in positive legal outcomes while promoting public safety, wellness and recovery through collaboration in a highly structured specialty court setting.*

One of the primary reasons for creating the MHTC was to offer mentally ill offenders more effective alternatives than they normally face in the criminal justice system such as having to remain in jail, potentially unable to post even minimal bail while their mental health issues go untreated. Participants who are accepted into the MHTC have a serious mental illness, serious emotional disturbance or a developmental disability which significantly impacts their ability to function independently, are over age 17 and are

charged with a non-violent offense. Once admitted into the program, participants are connected to comprehensive and individualized treatment support and services. Participant progress is closely monitored through active and engaged case management in order to maximize the benefits of being involved in the program. MHTC also involves frequent court appearances and support groups as well as awarding various individualized incentives for compliant behaviors and sanctions when appropriate.

Judge Knoll presides over the MHTC, Ottawa County CMH Clinician Kelly Boeve acts as the Coordinator/Case Manager. Other members of the team include Lori Catalino, Program Director, Kevin Rahn, probation officer, Jennifer Kuiper, prosecutor and Jane Patterson, defense counsel.

"I see the primary role of the mental health court as providing a better connection between the criminal justice system and mental health treatment providers. A mental health court participant has access to mental health therapy and other life skills resources while maintaining his or her accountability to the court and community. The benefits of a successful mental health court include not only a healthier law abiding individual but also a reduced strain on probation, jail and law enforcement resources," -

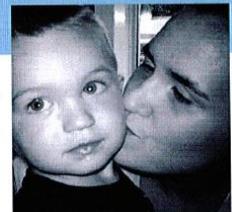
Judge Knoll

## 2015 Successes

In 2014 and 2015, the MHTC has observed successes in the following categories:

- 100% of participants were linked to mental health services within 21 days of admission into the program
- 100% of participants have established stable living arrangements 90 days prior to graduation from the program
- 91% of participants are retained in the program for more than ¾ of the program duration
- 100% of participants are substance free for 60 days prior to graduation from the program
- 88% of participants are complaint with mental health treatment services during the program

### Amanda reclaims her life



Amanda Volz had a rough start in life. Early on, she was a victim of domestic violence and lost her mother to suicide when she was 15 years of age. Amanda was then placed in foster care and spent time in and out of juvenile detention. She had her first child at age 17 and faced many hurdles in her life, including domestic violence, substance use and mental illness. In 2010, Amanda was homeless. Shortly thereafter, she received help from the Community Mental Health of Ottawa County (CMHOC) Permanent Supportive Housing Program. Through the program, she's moved into affordable subsidized housing in the Tri-Cities area.

"When I began therapy with Community Mental Health, I learned why I behaved the way I did and how to have a healthy relationship; breaking free from the cycle of violent relationships," said Amanda.

Amanda has been sober for 10 months, with the support of CMHOC and the Ottawa County's 58th District Mental Health Treatment Court. "I've found the mental health court a good balance of enforcement and encouragement. This has helped me reclaim control of my life," she said.

CMHOC provides psychiatry, case management, individual therapy, group therapy, peer support and nursing services; assisting people to take control of their lives. It is designed to ensure people with mental illnesses, who have committed certain crimes, receive treatment and support to comply with the court's requirements.

Amanda is now married and has custody of her oldest son. She's also re-established visitation with her youngest son and spends her days taking care of her infant daughter. She is an involved and nurturing parent to all three of her children; and is now looking forward to the next chapter in her and her family's life.

# 58<sup>th</sup> District Court Sobriety Treatment Programs

The Sobriety Treatment Program (STP) is a four phase intervention program for adults who have pled guilty to more than one alcohol offense and who are having difficult staying clean and sober. It is a collaborative effort between the District Court, the Prosecutor's Office, the participant's attorney, community and police agencies, case management and treatment programs. By working together, the team seeks to provide a variety of programs and consistent supervision geared toward supporting and helping the participant maintain a drug and alcohol free life.

The STP involves frequent court appearances, random drug and alcohol testing as well as group and individual counseling. The Court awards incentives for compliant behaviors and imposes sanctions for negative behavior.

## Program Statistics

	Holland	Grand Haven
<i>New enrollments in 2015</i>	34	12
<i>Successful Discharges</i>	38	16
<i>Unsuccessful Discharges</i>	5	0
<i>Hours of community service performed</i>	999	592
<b>Courtwide</b>		
<i>78% Male Participants</i>	<i>22% Female Participants</i>	
<i>Drug of Choice</i>	95% Alcohol 3.3% Marihuana 1.7% other	

## Continued Success in 2015

<i>Participants who were employed at the time of discharge from the program</i>	88%
<i>Participants who demonstrated an improvement in their employment status at the time of successful discharge from the program</i>	33%
<i>Average number of days of sobriety for successful program participants</i>	486 days
<i>On average, participants had less than 1% positive alcohol or drug tests</i>	
<i>Both programs are now accepting OWI 3<sup>rd</sup> offenders when the 20<sup>th</sup> Circuit Court Adult Drug Treatment Program is at capacity.</i>	

participant, a treatment provider who is responsible for educating and helping the participant and a surveillance officer who conducts home visits.

Participants who do not comply with the rules may be placed in short-term custody, have phase advancement delayed or face a variety of other sanctions.

The STP Team consists of a defense attorney to protect the rights of the participant, a prosecuting attorney who assists in reviewing the cases for legal eligibility, a case manager who provides direct supervision to the

## Mission

*The mission of the 58<sup>th</sup> District Court Sobriety Treatment Program is to promote community safety and reduce alcohol and drug abuse through a coordinated program involving intensive supervision, judicial interaction, treatment, incentives, sanctions and accountability.*

### Grand Haven STP Team Members

Hon. Craig Bunce, Presiding Judge  
Kendra Sheffield, Case Manager  
Kate Wegener, Surveillance Officer  
Ryan Brundage, Surveillance Officer  
Karen Miedema, Prosecutor  
Jim Piper, Defense Attorney  
MaryAnne Kowalski, Pine Rest  
Lara Helmus, Counselor  
Susan Littlejohn, Counselor  
Jon Stevens, Counselor  
Lt. Christopher Wright, Grand Haven  
Public Safety  
Dep Matt Vanliere, Sheriff's Department

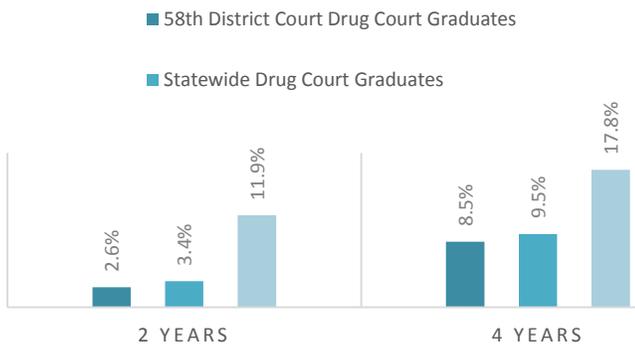
### Holland STP Team Members

Hon. Susan Jonas, Presiding Judge  
Alma Valenzuela, Program Director  
Leticia Gonzalez-Ortiz, Case Manager  
Kevin Rahn, Case Manager  
Jessica Dozeman, Surveillance Officer  
Liz Stegenga, Surveillance Officer  
Lee Fisher, Prosecutor  
Robert Hamilton, Defense Attorney  
Lara Helmus, Counselor  
Susan Littlejohn, Counselor  
Jon Stevens, Counselor  
Clara Mascorro, Pathways  
Sgt Steve Austin, Sheriff's Department  
Sgt Dan Kender, Holland Public Safety  
Donald Hann, Public Representative

# 58<sup>th</sup> District Court Sobriety Court Recidivism Rates

In the fall of 2015, the State Court Administrative Office (SCAO), a division of the Michigan Supreme Court, provided 2014 recidivism rates on the 58<sup>th</sup> District Court Sobriety Treatment Program. Successful graduates of Michigan drug court programs were identified using the Drug Court Case Management Information System (DCCMIS). Comparison members were selected by SCAO using the Judicial Data Warehouse (JDW) and were matched to drug court graduates on all of the following criteria: 1) the criminal offense type that brought the person into drug court; 2) the number of cases in the two years prior to the matching offense; 3) age at the time of the matching offense; 4) gender; 5) county of offense; 6) court of offense; and 7) the year range of the matching offense. To determine recidivism rates, SCAO looked at a two year and four year time frame from when the participant was admitted into the drug court program and defined participant as an individual who was admitted and successfully completed drug court program requirements.

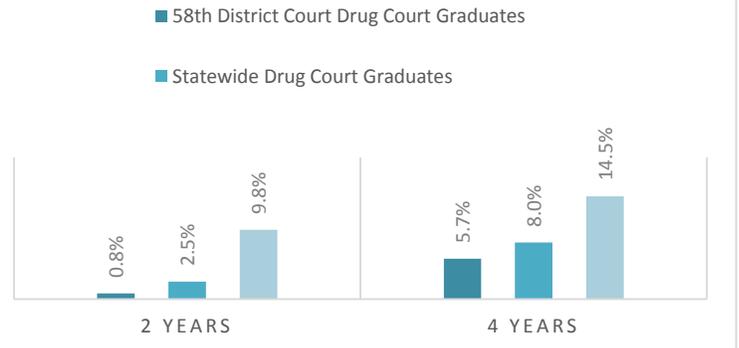
**2014 RECIDIVISM RATES  
ANY NEW CONVICTION WITHIN TWO AND  
FOUR YEARS OF ADMISSION**



SCAO breaks recidivism into two components:

- 1) Any new conviction or
- 2) A new drug or alcohol conviction.

**2014 RECIDIVISM RATES  
ALCOHOL OR DRUG CONVICTION WITHIN  
TWO AND FOUR YEARS OF ADMISSION**



**Any new conviction** measures recidivism within the categories of violent offenses, controlled substance use or possession, controlled substance manufacturing or distribution, other drug offenses, driving under the influence of drugs or alcohol first offense, driving under the influence of drugs or alcohol second offense, driving under the influence of drugs or alcohol third offense, other alcohol offenses, property offenses, breaking and entering or home invasion, nonviolent sex offenses, juvenile status offenses of incorrigible, runaway, truancy, or curfew violations, neglect and abuse civil, and neglect and abuse criminal. This definition excludes traffic offenses and offenses that fall outside the above categories.

**A new drug or alcohol conviction** measures recidivism within the categories of controlled substance use or possession, controlled substance manufacturing or distribution, other drug offenses, driving under the influence of drugs or alcohol first offense, driving under the influence of drugs or alcohol second offense, driving under the influence of drugs or alcohol third offense, and other alcohol offenses.

## *Ottawa County Community Corrections Advisory Board*

The Michigan Community Corrections Act, Public Act 511 (PA 511) was established in 1988 to ease jail and prison overcrowding by improving and increasing rehabilitative services available to non-violent, adult offenders. Pursuant to PA 511, counties must establish local Community Corrections Advisory Boards (CCABs) to develop and oversee comprehensive corrections plans. These local plans identify and establish local policy framework and practices aimed at initiating and maintaining programs and services that will help achieve measurable goals envisioned by PA 511. This includes identifying linkages with Michigan Works! agencies, local criminal justice officials, substance abuse coordinating agencies, community health departments and other agencies to help provide cost-effective and non-duplicated services to offenders to reduce recidivism and

prison commitment rates. In Ottawa County, the 58<sup>th</sup> District Court assists the Ottawa County CCAB by overseeing the programs and applying for state grant funding.

Most of the offenders enrolled in treatment-type programs are sentenced felons. Offenders with higher sentencing guideline scores, probation violators and those who have convictions for driving under the influence of drugs or alcohol account for increasing proportions of new enrollees in residential programs. Misdemeanants account for the majority of enrollments in community service programs.

By supporting appropriate use of non-prison sanctions for offenders who might otherwise be committed to prison, local CCABs have helped reduce the state prison commitment rate. The Department of Corrections Statistical Report reflects that the State's prison commitment rate was 34.7% in 1989, decreased to 25% in the mid 1990's and remained relatively stable since the early 2000's. During 2003, the Department placed a renewed emphasis on the use of community-based sanctions/services for straddle cell offenders, probation violators, and

<b>OTTAWA COUNTY CCAB MEMBERS</b>	
<u>State of Michigan CCAB Appointment</u>	
County Commissioner	Dennis Van Dam
<u>Ottawa County CCAB Members</u>	
County Sheriff	Sheriff Gary Rosema
Chief of Police	Captain Jack Dykstra for Chief Matt Messer
Circuit Court Judge	Kevin Bowling for Hon. Edward R. Post
District Court Judge	Honorable Susan Jonas
Probate Court Judge	Honorable Mark Feyen
County Commissioner	Matthew Fenske
County Prosecutor	Ronald Frantz
Employment & Training	Bill Raymond
Criminal Defense Bar	Nichole Derks
Circuit/District Probation	Heath White
Business Community	Doug Kamphuis
Mental Health	Kelly Boeve
Substance Abuse	MaryAnne Kowalski
<u>Ottawa County Communication Corrections Program</u>	
<u>Director</u>	Jodi Salacina

parole violators to control the State's prison growth.

Ottawa County is recognized as a leader in the state with meeting and addressing the goals set forth by PA 511. With appropriate offenders, Ottawa County places an emphasis on treatment and alternative sanctions/sentences, utilizing collaboration of multiple agencies to manage offenders locally. A solid representation of agencies and members of the community prefer to support diverting appropriate offenders from prison and jail. This effort promotes accountability, reduction in criminal/delinquent behavior and supports an environment for change.

The hard work support, and collaboration of the Ottawa County CCAB and community partners establish Ottawa County as a great place to reside. It is a safer community with healthier families.

## Ottawa County Community Correction Programs

Ottawa County Community Corrections has a comprehensive plan designed to improve jail utilization, reduce admissions to prison, and improve the local criminal justice system. Programs include the following:

**Intensive Supervision Probation (ISP)** Probation Officers and Field Supervision Officers make regular and random home checks and administer PBTs and check curfew times. The offender adheres to a curfew, which will take into consideration the offender’s hours of employment, treatment, support groups and educational needs.

**Cognitive Behavioral Therapy (CBT)** Moral Reconciliation Therapy (MRT) is a cognitive-behavioral counseling program that combines education, group and individual counseling, and structured exercises designed to foster moral development in treatment-resistant clients.

**Community Service Work (CSW)** Offenders are placed at non-profit organizations and Government agencies to perform community service work.

The number of offenders enrolled in each of the six programs in 2015:

ISP	125
CBT	159
CSW	542
JAWS	464
ICMT	205

**Jail Alternative Work Service (JAWS)** A supervised community service work crew that generally work Saturday from 8am-3pm.

**Inmate Case Management and Treatment (ICMT)**  
A treatment plan for incarcerated offenders awaiting sentencing, that includes assessment of mental health and substance abuse.

	Ottawa County	State of Michigan
<b>Prison Commitment Rate</b>	9.6% or 77 dispositions	21.5% or 10,326 dispositions
<b>Operating While Intoxicated 3<sup>rd</sup></b>	12.3% or 10 dispositions	19.1% or 551 dispositions
<b>Straddle Cell*</b>	19.9% or 29 dispositions	32.8% or 3,743 dispositions

\* The sentence guidelines allow the Judge to sentence either to prison or jail

## Court Services Division

The Community Service Work (CSW) and the Jail Alternative Work Services (JAWS) programs are utilized by the 20<sup>th</sup> Circuit Court and 58<sup>th</sup> District Court as an alternative to incarceration for non-violent felons and misdemeanants, resulting in more effective use of the County jail space. Both programs may also be utilized for the following situations:

- As a sanction to a probation violation of the court order or administrative sanction
- When the Judge feels that offenders should be giving something back to the community
- It is mandatory sentencing for Drunk Driving 3<sup>rd</sup> Offense, i.e. 360 hours or 60 days
- As an alternative to paying court fines and costs
- As motivation for offenders to find a job
- For Drug and Sobriety Court participant sanctions.

*In 2015, there were a total of 1,006 offenders enrolled in JAWS and CSW programs.*

### Jail Alternative Work Services (JAWS) 2015 Program Highlights:

New Enrollees	464
JAWS Crew Worked	93
Saturdays Worked	50
Average Offenders per Crew	7.0
Hours Provided	4,650
Value of Service (based on minimum wage of \$8.15/hour)	\$37,898

### Community Service Work (CSW) 2015 Program Highlights:

New Enrollees	542
Worksites	67
Completed Hours	30,669
Full Time Employee Equivalent	15
Value of Service (based on minimum wage of \$8.15/hour)	\$249,952

### Types of Agencies Receiving Community Services in 2015

General NonProfit Organizations	31%
Church/Religious Institutions	28%
Governmental Agencies	12%
Environmental Agencies	9%
Schools and Libraries	8%
Culture/Arts Facilities	8%
Health Providers	4%

### *Northern/Western Ottawa County*

American Legion ♦ Conservation District ♦ Grand Haven Township Fire Department ♦ City of Grand Haven ♦ Grand Haven Department of Public Works ♦ Covenant Life Church ♦ First Presbyterian Church ♦ Grand Haven Church of God ♦ Grand Haven State Park ♦ Harbor Humane Society ♦ Hope Reformed ♦ International Aid ♦ Lake Hills Elementary School ♦ Lakeshore Habitat for Humanity ♦ Lakeshore Rescue Mission ♦ Love INC. ♦ Ottawa County Facilities/Maintenance ♦ Ottawa County Parks and Recreation ♦ Rescue Mission Thrift Store ♦ Spring Lake Cemetery ♦ Spring Lake Heritage Festival ♦ Spring Lake Library ♦ Spring Lake Wesleyan ♦ St. Mary's Church ♦ St. Patrick's Catholic Church ♦ United Methodist Church of the Dunes ♦ YMCA

### *Eastern Ottawa County*

Allendale Township Library ♦ Allendale Fire Department ♦ Allendale Goodwill ♦ Berlin Fair ♦ Blendon Township ♦ Bread of Life ♦ Central Worship Center ♦ Chester Township ♦ City of Hudsonville ♦ City on a Hill ♦ Coopersville DPW ♦ Coopersville Library ♦ Coopersville VFW ♦ Corpus Christi Catholic Church ♦ Fishers of Men ♦ Jamestown Township ♦ Jenison Goodwill ♦ Knights of Columbus ♦ Indian Trails ♦ Laurels ♦ Love, INC. ♦ Marne Cemetery ♦ Mars Hill Church (Grandville) ♦ Polkton Township ♦ Well Spring ♦ WTLJ Allendale

## *Ottawa County Community Service Worksites*

### *Southern/Western Ottawa County*

70X7 Life Recovery ♦ Africa's Child ♦ African American Museum ♦ Boys and Girls Club ♦ Building Men for Life ♦ Casa del Rey ♦ Central Wesleyan Church ♦ City of Holland ♦ Community Action House Food Bank ♦ Community Action House Store ♦ Cornerstone Tabernacle ♦ Eight Day Farm ♦ Evergreen Commons Adult Day Care ♦ Faith Christian Center ♦ Fellowship Reformed Church Herrick District Library ♦ Herrick District Library ♦ First Assembly of God ♦ Fulfilling Life Ministries ♦ Harbor House ♦ Harderwyk Church Herrick District Library ♦ Herrick District Library ♦ Holland Alano Club ♦ Holland City Hall ♦ Holland Civic Center ♦ Holland Community Center ♦ Holland Community Kitchen ♦ Holland Mission ♦ Holland Museum ♦ Holland State Park ♦ Holland VFW ♦ HOME Roller Rink ♦ Lakeshore Habitat Restore ♦ Macatawa Resource Center ♦ Maple Avenue ♦ Moran Park ♦ New Richmond Baptist Church ♦ Northpoint Assembly of God ♦ Ottawa County Fairgrounds ♦ Paradise Bound ♦ Ridgepoint Community Church ♦ Rock ♦ Shelby's Place ♦ St. Francis de Sales ♦ The Bridge (The Mission for Women) ♦ The Critter Barn ♦ The Outdoors Discovery Center



58<sup>th</sup> District Court  
85 West 8<sup>th</sup> Street  
Holland, Michigan 49423  
616.392-6991

PLURIBUS UNUM



58<sup>th</sup> District Court  
414 Washington Avenue  
Grand Haven, Michigan 49417  
616.846-8280



58<sup>th</sup> District Court  
3100 Port Sheldon Road  
Hudsonville, Michigan 49426  
616.662.3100

## 58<sup>th</sup> District Court Contact Information

<http://miottawa.org/Courts/58thDistrict>



*"Equal Justice Under Law"*