



## Cheboygan County Board of Commissioners

### *MISSION STATEMENT*

*Cheboygan County officials and staff will strive to provide public services in an open and courteous manner and will responsibly manage county resources.*

**March 22, 2016**

**9:30 a.m.**

### **Agenda**

1. Call to Order
2. Roll Call
3. Invocation/Pledge of Allegiance
4. Approve Agenda
5. **CITIZENS COMMENTS**
6. **SCHEDULED VISITORS/DEPARTMENT REPORTS**
  - A. Life Saving Award – Deputy Michael Swanson
  - B. Enbridge Presentation on Line 5
  - C. Prosecutor Daryl Vizina 2015 Annual Report
7. **ADMINISTRATOR'S REPORT**
8. **OLD BUSINESS**
9. **NEW BUSINESS**
10. **BOARD MATTERS FOR DISCUSSION**
11. **CITIZENS COMMENTS**
12. **BOARD MEMBER COMMENTS**
13. **ADJOURN TO THE CALL OF THE CHAIR**

**CHEBOYGAN COUNTY**  
**PROSECUTING ATTORNEY'S OFFICE**

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2015 Annual Report



Prepared by:

Daryl P. Vizina

Cheboygan County Prosecuting Attorney



**DARYL P. VIZINA**  
**COUNTY OF CHEBOYGAN**  
**OFFICE OF THE PROSECUTING ATTORNEY**

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870 S. Main Street, P.O. Box 70, Cheboygan, MI 49721  
Phone (231) 627-8450 • Fax (231) 627-8405

**ANTHONY M. DAMIANO**  
Chief Assistant Prosecuting Attorney

**ALFRED E. FELEPPA, III**  
Assistant Prosecuting Attorney

February 1, 2016

Dear Commissioners and Cheboygan County Citizens:

I have attached my 2015 Annual Report. The report includes discussion about our important cases and data relating to our 2015 caseload. In this year's Annual Report, I have highlighted the fact that the Cheboygan County Prosecutor's Office has the highest caseload per attorney in the entire northern Michigan region. Additionally, I highlighted that our caseload per attorney has jumped from 267/attorney from 2009-2014 to 471.7/attorney in 2015.

Despite the significant increase in workload, the Prosecuting Attorney's Office has continued to excel in holding offenders accountable, zealously representing crime victims [Collecting \$156,999.34 in restitution in 2015], advocating for our abused and neglected children, and taking an active leadership role in numerous community and educational activities and organizations.

As we move into 2016, I hope to further develop and improve all the systems in our office while continuing our courtroom success. I am honored to serve our community. I hope for your continued support. Thank you.

Sincerely,

Daryl P. Vizina  
Cheboygan County Prosecuting Attorney

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# **THE PROSECUTING ATTORNEY STAFF**

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**Daryl P. Vizina**

**Prosecuting Attorney**

**Tony M. Damiano**

**Chief Assistant Prosecutor**

**Alfred Feleppa**

**Assistant Prosecutor**

**Kim J. Barker**

**Office Manager**

**Jessica Farver**

**Child Support Specialist**

**Peggy L. Mills**

**Crime Victim Coordinator**

**Celeste M. Charboneau**

**Juvenile Victim Rights**

**Julie K. Rettell**

**Legal Secretary**



## **IMPORTANT CASES OF 2015**

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**People v Dean Enos, [39] Cheboygan:**



**On February 5, 2015, a jury found Dean Allen Enos [39] of Cheboygan guilty of Domestic Violence 3<sup>rd</sup> Offense – Habitual Felony 2<sup>nd</sup> Offense. Enos was sentenced to serve a one-year jail term. This was the fifth domestic violence conviction for Enos.**

**The case, investigated by Deputy Darren LaChapelle, began when the victim reported that she had been assaulted by her on-again/off-again boyfriend, Dean Enos. When LaChapelle contacted the victim, he observed significant physical injuries to the victim, including bruising to her face, swollen/blackened eye, and scratches and bruising to her elbows, knees and neck pain. The most visually significant was a large, deep abrasion that covered a large portion of her back.**

**LaChapelle’s investigation uncovered that on the evening of September 23, 2014, the victim and Enos went to Johnnies Bar in Cheboygan to meet some mutual friends. At that time, they were not in a relationship. The two left the bar together and returned to Enos’ home. Upon returning to his residence, Enos became very upset about the fact that the victim had dated another man. Enos lost his temper and began assaulting the victim. The assault included Enos grabbing the victim and dragging her across his gravel driveway and into his home. When Enos got her inside his home, he strangled and punched her several times.**

**The matter proceeded to a jury trial in the 53<sup>rd</sup> Circuit Court where the jury found Enos guilty of the Domestic Violence.**

## **IMPORTANT CASES OF 2015**

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**People v Cody Pakulski, [29] Indian River:  
People v Adam Stewart, [32] Indian River:  
People v Patricia Hamsher, [35] Wolverine:  
People v Jennifer Leslie, [32] Wolverine:  
People v Isaac Brewbaker, [30] Onaway:  
People v Amber Hall, [27] Alanson:**

**On January 7, 2015, detectives with SANE acting on information from a confidential informant traveled to Goerke Road, Indian River – the residence of Cody Pakulski - to investigate a suspected methamphetamine laboratory. Officers were given permission to search the residence and discovered a “one-pot” methamphetamine lab, written instructions on how to cook/manufacture methamphetamine, scales, methamphetamine components, and a sawed-off shotgun.**

**The investigation led detectives to a second residence on Stewart Road, occupied by Adam Stewart. At that residence, officers discovered syringes, brown filters containing methamphetamine, methamphetamine components, and a cigarette package with 114 illegally possessed prescription pills.**

**The investigation continued and resulted in the detectives locating individuals who were purchasing pseudoephedrine to assist in the methamphetamine production. The following individuals were arrested and prosecuted for their role: Patricia Hamsher, Jennifer Leslie, Amber Hall and Isaac Brewbaker.**



- **Cody Pakulski pled guilty to Delivery/Manufacture of Methamphetamine. Pakulski was sentenced to serve 28 months to 20 years in prison.**

## IMPORTANT CASES OF 2015

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- **Adam Stewart** pled guilty to **Delivery/Manufacture of Methamphetamine**. Stewart was sentenced to serve 36 months to 20 years in prison.



- **Jennifer Leslie** pled guilty to **Possession of Methamphetamine**. She was sentenced to serve 8 months incarceration.



- **Patricia Hamsher** pled guilty to **Possession of Methamphetamine**. She is scheduled to be sentenced on February 16, 2016.

## IMPORTANT CASES OF 2015

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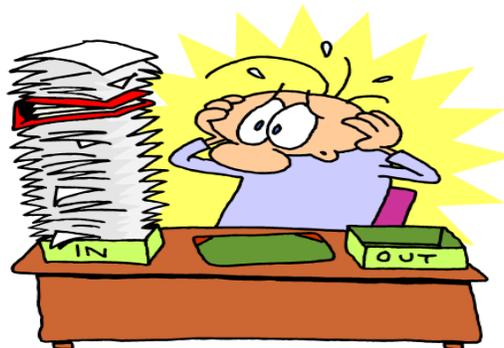
- **Amber Hall's case is still pending.**



- **Isaac Brewbaker pled guilty to two counts of Purchasing Pseudoephedrine to make methamphetamine. He is scheduled to be sentenced on February 16, 2016.**

## 2015 CASELOAD

Type of Case	2009	2010	2011	2012	2013	2014	2015
<b>Criminal/Traffic</b>	<b>1131</b>	<b>1117</b>	<b>1069</b>	<b>973</b>	<b>1062</b>	<b>1018</b>	<b>1144</b>
<b>Felony</b>	229	263	258	206	260	269	209
<b>Misdemeanor</b>	880	807	754	723	758	714	900
<b>Traffic</b>	20	47	57	44	44	35	35
<b>Other</b>	2	0	0	0	0	0	0
<b>Juv. Warrants</b>	<b>123</b>	<b>123</b>	<b>137</b>	<b>108</b>	<b>98</b>	<b>111</b>	<b>125</b>
<b>Abuse/Neglect</b>	<b>36</b>	<b>13</b>	<b>38</b>	<b>29</b>	<b>25</b>	<b>26</b>	<b>17</b>
<b>Mental Health</b>	<b>0</b>	<b>11</b>	<b>1</b>	<b>11</b>	<b>13</b>	<b>10</b>	<b>11</b>
<b>Child Support</b>	<b>148</b>	<b>139</b>	<b>107</b>	<b>99</b>	<b>124</b>	<b>104</b>	<b>118</b>
<b>Total Cases</b>	<b>1438</b>	<b>1403</b>	<b>1352</b>	<b>1220</b>	<b>1322</b>	<b>1269</b>	<b>1415</b>
<b>Attorneys</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>3</b>
<b>Cases/Attorney</b>	<b>287.6</b>	<b>280.6</b>	<b>270.4</b>	<b>244</b>	<b>264.4</b>	<b>253.8</b>	<b>471.7</b>



## FELONY CASELOAD

### FELONY CRIME CLASS BREAKDOWN

Crime Class	2010	2011	2012	2013	2014	2015
Drugs/Alcohol	227	179	185	253	206	194
Property Crimes	153	139	158	138	126	66
Crimes Person	64	74	51	38	57	39
Sex Crimes	23	36	73	64	44	38
Weapons	18	27	19	20	17	21
Misc.	12	26	17	23	29	9
	497	481	503	536	479	367

### FELONY DRUG BREAKDOWN

Drug	2009	2010	2011	2012	2014	2015
Marijuana	40	61	26	45	52	45
Heroin	21	32	13	8	14	4
RX Drugs	65	73	45	44	135	135
Alcohol	15	11	23	8	18	12
Methamphetamine	8	34	51	77	1	18
Cocaine	8	12	21	3	0	2
Hallucinogens					4	6
Total	157	223	179	185	224	222

## FELONY CASELOAD

<b>Age of Offenders</b>	<b>Number</b>	<b>Percentage</b>
<b>Under 20</b>	15	9%
<b>20-29</b>	45	26%
<b>30-39</b>	51	30%
<b>40-49</b>	35	20%
<b>50 and Over</b>	26	15%
<b>High School Grad</b>	<b>Number</b>	<b>Percentage</b>
<b>Yes</b>	114	66%
<b>No</b>	58	34%
<b>Sex</b>	<b>Number</b>	<b>Percentage</b>
<b>Male</b>	125	73%
<b>Female</b>	47	27%
<b>Solid Employment</b>	<b>Number</b>	<b>Percentage</b>
<b>Yes</b>	13	8%
<b>No</b>	159	92%
<b>Drug History</b>	<b>Number</b>	<b>Percentage</b>
<b>Yes</b>	160	93%
<b>No</b>	12	7%
<b>Number of Minor Children</b>	185	

# FELONY CASELOAD COMPARABLES

## REGIONAL COUNTY CASELOAD COMPARABLES

County	2015 PSI's	Attorneys	Average
Alpena	128	3	42.67
Antrim	117	3	39.00
Charlevoix	56	3	18.67
Cheboygan	170	3	56.67
Chippewa	215	4	53.75
Crawford	86	2	43.00
Emmet	153	5	30.60
Grand Traverse	241	6	40.17
Kalkaska	51	3	17.00
Otsego	120	3	40.00
Presque Isle	29	2	14.50
Average	124.18		36.00



# FELONY CASELOAD

## Felony Jury Trial History Since 2009

DEFENDANT	TYPE OF CASE	AGENCY	DATE OF TRIAL	VERDICT
Capuzzi, Michael	Strangulation/Assault	TTPD	1/12/2016	NG/Hung
Mullen, Paul Erwin	Controlled Substance	SANE	7/30/2015	Guilty
Starkey, Kathleen Marie	Fraud	MSP	7/23/2016	Guilty
MacLeod, Dustin Lee	Drugs	SANE	2/19/2015	Guilty
Enos, Dean Allen	Strangulation/Assault	CCSD	2/4/2015	Guilty
Morrow, Jonathon R.	CSC	CCSD	12/10/2014	NG
Miller, Velton Ray, Jr	Identity Theft/ FTD	CCSD	1/15/2014	Guilty
Woodburn, Andrew F.	Assault w/Intent Murder	CCSD	1/8/2014	Guilty
Brasseur, Bernard Dale	CSC	CCSD	9/18/2013	Guilty
Wiacek, Anthony Wayne	Flee & Elude	CCSD	8/14/2013	Guilty
Stone, Jerry, II	Domestic Violence	CCSD	7/10/2013	Guilty
Hall, Daniel Millard	OWI III	MSP	4/18/2013	Guilty
Bellere, Melissa Emily	LIB	CDPS	9/21/2012	Guilty
Fain, Gregory Allen	SORA	CCSD	7/20/2012	Guilty
Lince, David Joseph	Unarmed Robbery	MCPD	2/16/2012	NG
Mason, Joseph Edward	SORA	MSP	1/20/2012	Guilty
Baker, Kirk Douglas	Domestic Violence	CDPS	10/28/2011	Guilty
Brown, Donna Rhea	Delivery Causing Death	CCSD	7/27/2011	Guilty
Hilleary, Brett Clinton	Assault w/Dang Weapon	CCSD	11/17/2010	Guilty
LaChapelle, Gerald Lee	LIB	CCSD	10/21/2010	Guilty
Grim, Raymond Daniel	SORA	MSP	6/25/2010	Guilty
Sullivan, Brien Michael	CSC	MSP	6/21/2010	NG
Jewell, Willard Warren	Assault w/Dang Weapon	MSP	1/14/2010	Guilty
Richey, Jennifer Ann	Animal Cruelty	CHS	5/14/2009	Guilty-Lesser
Lasanen, Michael C.	LIB	CDPS	8/12/2009	NG
Boardman, Zachary Marcus	LIB	CDPS	2/19/2009	NG

<b>Guilty</b>	<b>19</b>
<b>Guilty-Lesser</b>	<b>1</b>
<b>NG/Hung</b>	<b>1</b>
<b>NG</b>	<b>5</b>

## **ABUSE/NEGLECT & JUVENILES**

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- **The Cheboygan County Prosecuting Attorney's Office prosecutes Child Abuse and Neglect petitions on behalf of the Department of Human Services.**
- **In the calendar year of 2015, the Prosecuting Attorney's Office prosecuted 17 Abuse and Neglect petitions in the Cheboygan County Probate Court.**
- **There were five petitions that resulted in termination of parental rights. The average for Cheboygan County is 9 per year from 2000 to 2014.**
- **There was one appeal handled by the Cheboygan County Prosecuting Attorney's Office.**
- **The Prosecutor's Office also participated in 19 Abuse and Neglect Mediations in 2014.**
- **The Prosecutor's Office made 6 DHS 3200 referrals.**
- **The Prosecutor's Office conducted 11 Adult Mental Health Hearings.**
- **There were a total of 125 juvenile delinquency petitions that were received by the Prosecuting Attorney's Office in 2015. Of that total, 19 cases were not charged and/or are cases that are pending. Ten of those cases were classified as Incurribility, Truancy or Runaway.**

# CRIME VICTIM RIGHTS

The Crime Victims’ Rights Act provides Michigan victims with basic rights and protections as victims of crime. The Cheboygan County Victim Advocates provide the following services to Cheboygan County Crime Victims:

- **Orientation to the Criminal Justice System:** Explaining court procedures and providing specific information regarding their case.
- **Court Support Services:** Assisting victims during trials and courtroom proceedings.
- **Case Status:** Keeping victims informed on case status and final disposition.
- **Victim Impact Statement:** Providing Judges with victim statement regarding the incident and their request regarding disposition and/or restitution.

Collector	Case Type	Amount
County Clerk	Felony	\$ 109,552.32
District Court	Misdemeanor	\$ 25,437.43
Probate Court	Juvenile	\$ 12,737.78
Prosecutor's Office	All of above	\$ 9,271.81
<b>Total Restitution to Victims</b>		<b>\$ 156,999.34</b>

- **Referrals:** Direct victims to community resources for further assistance.
- **Crime Victim Compensation:** Assisting qualified victims to apply for medical, funeral and counseling assistance from the Michigan Compensation Fund.
- **Addressing Further Victimization:** Help crime victims address fallout from the case – for example: Setting victim up with appropriate police agency or assisting with the drafting of a Personal Protection Order.
- **Active Participation in Community Programs:** Child Advocacy Counsel, Domestic Violence Task Force, Cheboygan County First Response Advocates Training, Youth Task Force, Bullying [local schools], and Women’s Safe House in Petoskey.

Victim Rights Coordinator, Peg Mills 231-627-8879.  
 Juvenile Rights Advocate, Celeste Charboneau 231-627-8801.

# **PATERNITY AND CHILD SUPPORT**

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## **THE TITLE IV-D PROGRAM**

**Title IV-D of the Social Security Act establishes the child support program and sets the requirements that all state child support programs must meet in order to receive funding. Parents and custodians can receive help in establishing and enforcing child support as well as medical support through the IV-D program.**

**Services provided under Title IV-D of the Social Security Act (IV-D program) include:**

- **Locating parents and/or establishing paternity.**
- **Establishing court orders for child support, medical support and child care expenses**
- **Directing parents to services that may help them in their time of need.**
- **Working with other states to establish paternity or child support when one parent does not live in Michigan.**
- **Referring custody and parenting time matters that are in dispute to the Friend of the Court so the matters may be resolved for the parties.**
- **Our website is now accessible to the public which contains additional information for the Child Support Division of the Prosecutor's Office.**

**Child Support Specialist, Jessica Farver 231-627-8411**

# PATERNITY AND CHILD SUPPORT

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## ESTABLISHMENT FOR CHEBOYGAN COUNTY

**\*\*Data from dates 10-1-2013 through 09-31-2014\*\***

<b>IV-D Cases with Court Orders:</b>	<b>1,480</b>
All open cases with children receiving benefits from State (i.e.: Medicaid, food assistance or cash assistance) that there is an order established.	
<b>Support Order %:</b>	<b>83.5%</b>
The percentage of cases with child support established through a support order.	
<b>Children in IV-D cases:</b>	<b>1,773</b>
The number of Cheboygan County children receiving benefits from the State.	
<b>Children Born Out of Wedlock:</b>	<b>1,267</b>
The number of Cheboygan County children receiving benefits from the State who were born out of wedlock.	
<b>Children Born Out of Wedlock with Paternity Established:</b>	<b>1,202</b>
The number of children born to unwed parents where paternity was established.	
<b>Paternity Establishment %:</b>	<b>94.9%</b>
The percentage of cases completed with paternity testing and DNA genetic test results that established paternity.	
<b>Children w/Paternity Established:</b>	<b>18</b>
The number of cases Cheboygan County Prosecutor's Office Child Support Division established paternity for in 2013.	
<b>Total referrals received from the State:</b>	<b>133</b>
This is the amount of referrals the Prosecutor's Office received from the State for establishment purposes of paternity and/or child support in 2013.	
<b>Total referrals that had to be rejected or are pending:</b>	<b>94</b>
<b>Cases with Court Orders Established:</b>	<b>39</b>