

Media inquiry to Valerie Newman et al: Why has SADO not moved to dismiss the case of juvenile lifer Charles Lewis whose entire court file has been lost

From Diane Bukowski

[Charles Lewis VOD emails to
Maria Miller ccd to Valerie
Newman.docx120 KB](#)

[Elroy Jones People v
COA 2.pdf66 Horton.pdf142
KB KB](#)

[Charles Lewis Register
of Actions AS of 8 16
16.docx48 KB](#) [Hill v Snyder
reconsider.pdf88 KB](#)

Hello, Valerie, this is Diane Bukowski, editor of The Voice of Detroit at <http://voiceofdetroit.net>. As you can see, I am also cc'ing this email to SADO's deputy director Michael Mittlestat and Director Dawn Van Hoek, as well as State Rep. Rosemary Robinson, who moved for the Pearson evidentiary hearing in Charles Lewis' case. For their reference I have attached a series of email communications between myself and Maria Miller, Communications Director of the Wayne County Prosecutor's offices, emails which were also cc'd to you. I have not heard from you regarding these.

I attended several court hearings in front of Wayne County Circuit Court Judge Qiana Lillard in which David Baxter and others testified that the entire court file (three cartons worth) on juvenile lifer Charles Lewis, #150709, including transcripts of his two 1977 first-degree murder trials, subsequent appeals including a Pearson hearing held at the request of Atty. Rosemary Robinson, and an Oct. 17, 2012 order from Judge Edward Ewell remanding his case to the trial judge under *Miller*, have disappeared. I checked again on Aug. 12 in the Clerk's office, and in Judge Lillard's office. There is STILL no court file, only a scattered series of filings, including a motion by his former attorneys from Foley & Lardner to "Compel Wayne County to Produce File," which has not been done to date. Hearings had been held on this until Foley & Lardner withdrew from the case. It was my understanding that yourself and SADO are now representing Charles, but no further hearings have been held or requested and no further action taken by his putative defense attorney(s). His current Register of Actions is attached; the indicated Aug. 5 hearing was not held; his mother Rosie Lewis showed up for it and was mistreated by the guard who told her to talk to his attorney. Other hearings are listed, but it is my understanding from you that these are just null placeholders.

I am questioning whether SADO is performing its ethical duties with regard to Mr. Lewis. The key question here appears to be that there is NO WAY that Charles Lewis can be resentenced under the JLWOP state statutes without his court file available. It is NOT a question of waiting until the resentencing hearing. That matter is STILL under review in Judge Corbett O'Meara's court, where a motion for reconsideration has been filed by

Attorney Deborah LaBelle et al. (attached). The key FACT is that Charles Lewis is being confined with no records whatsoever of his trial, conviction, sentence etc.

Please note the cases cited in my attached document, re:

1. *People v Adkins*, 436 Mich 878; 461 NW2d 366 (1990), where the Michigan State Supreme Court vacated the conviction of the defendant because court reporter files containing his guilty plea were lost, upon which he was released.
2. *People v Jones, Elroy*, Michigan Court of Appeals Case 275984 (attached).
3. *People v. Horton* (attached).
4. **Michigan Court Rules 8.105:**
5. C) Records Kept. All records, as defined in MCR 8.119(F) and regardless of format, that are created and kept by the court reporter or recorder belong to the court, **must remain in the physical possession of the court, and are subject to access in accordance with MCR 8.119(H)**. The court reporter or recorder who takes the testimony on the trial or the hearing of any case shall prefix the record of the testimony of each witness with the full name of the witness and the date and time the testimony was taken. At the conclusion of the trial of the case the reporter or recorder shall secure all of the records and properly entitle them on the outside, **and shall safely keep them in the court according to the Michigan Trial Court Case File Management Standards**. If the court reporter or recorder needs access to the records for purposes of transcribing off-site, the reporter or recorder may take only a reproduction of the original recording, which must be returned to the court upon filing of the transcript.

I reiterate my question, in particular since SADO has received a grant from the Michigan Legislature to handle these JLWOP cases—**WHY HAS SADO NOT FILED TO DISMISS CHARLES LEWIS' CASE?** He has REPEATEDLY requested same of both yourself (Valerie Newman) and his previous attorneys.

Diane Bukowski, Editor

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