



ATTORNEYS AT LAW

December 31, 2019

Via Email & First Class Mail

Mr. Ken Stecker

Prosecuting Attorneys Association of Michigan
116 W Ottawa St.
Lansing, MI 48933

RE: MSP Lab Issues

Dear Mr. Stecker:

I write to request assistance from the Prosecuting Attorneys Association of Michigan (PAAM). Enclosed, please find a copy of a letter that I sent to Governor Whitmer today. Please note that I am not writing to claim that the lab's methods are unreliable. My concern is also my own and I do not purport to speak for any organization.

There are two asks that I make with this letter. First, is that PAAM take the position in support of re-organizing the appropriate departments and move forensic science, currently under the auspices of the Forensic Science Division of the Department of State Police, to a different department.

The issue here is the manner in which concerns amongst those of us in the defense bar became a reality in the case described in the letter *City of Lansing v Reynolds*. The pervasive problems that reached a crescendo at the end of last year should have been handled in a completely different way. The lab's leadership could have used the situation as a means to call public attention to its current workload and what appear to be a lack of resources to meet the ever-increasing demands for toxicology analysis. Instead, the impression that Mr. French gave in his testimony on May 20th, 2019 was "nothing to see here." Indeed, nothing could have been further from the reality on a case this close to a legal threshold no less.

My second request is that PAAM support giving any person who pled guilty to OWI in a blood analysis case between November 1, 2018 and February 1, 2019 the right to withdraw the plea if there are few other facts than a blood alcohol analysis. Obviously, every case is different and maybe there will be few cases like that of Mr. Reynolds, if any. However, I have no doubt that almost every single person who entered into a guilty plea did not do so intelligently since the pervasive problems identified by Judge Buchannan were not disclosed.

I appreciate a response either to me or to the appropriate cohort of yours at the Criminal Defense Attorneys of Michigan (CDAM). I am going through our client files to see if we

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have anyone else similarly-situated to Mr. Reynolds so that we can at least put that client on notice. Beyond that, I do not need to be involved any further unless you wish to involve me. Thank you in advance for your ongoing professionalism.

If you have any questions, comments, or concerns I would be happy to discuss them with you. You may contact me at your convenience at (517) 927 4734 or mnichols@nicholslaw.net.

Very truly yours,

THE NICHOLS LAW FIRM, PLLC



Michael J. Nichols

MJN:AB
Enclosures

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