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Tough judges target of suit

But they say their intentions are to protect

BY L.L. BRASIER and EMILIA ASKARI
FREE PRESS STAFF WRITERS

Jeremy was 19 when police caught him drinking alcohol, and like thousands of underage drinkers in the state, he got a ticket.

But unlike most first offenders, who pay a fine and attend a class, a Rochester Hills district judge also took away his driver's license, ordered him to report to probation and undergo alcohol screening -- and eventually jailed him for 15 days.

The time behind bars meant he couldn't go to work, and he had a tougher time paying the rent on his apartment, according to his mother, Nancy, who asked that the family's last name not be used.

"They set them up to fail," she said, acknowledging that her son didn't show for up probation and also missed a court date to explain to the judge why.

"We're declaring war," said defense attorney James Amberg, the lead attorney who filed a lawsuit this week against two Oakland County district courts seeking to stop the practice. "The law is clear. These judges cannot do this. ... We won't stop until they stop throwing kids in jail."

Tough judges targeted

The suit specifically targets 52-3 District Court in Rochester Hills, where Lisa Asadoorian, the judge in Jeremy's case, presides and 48th District Court in Bloomfield Township, where judges Diane D'Agostini and Marc Barron have jailed minor-in-possession offenders for contempt.

In an e-mail to the Free Press, Asadoorian defended the practice.

"My philosophy is simple: maintaining the integrity of the court system, upholding all laws in the State of Michigan, enforcing consequences for violators, guiding defendants back to being law abiding citizens, preventing tragic and unnecessary deaths from occurring and keeping families intact," she said.

D'Agostini of Bloomfield Township said: "You want to know why I'm so tough? I can tell you that I believe in accountability, and I believe in helping these kids. If helping them makes me tough, I'm OK with that."

In college towns like Ann Arbor and East Lansing, underage minors who possess alcohol usually pay a \$250 fine, attend a class in substance abuse and serve six months' probation without reporting to a probation officer.

So many people are ticketed on charges of minor in possession of alcohol that judges sometimes sentence dozens of students at once.

"Judges in the other part of the state do not have the need to make mountains out of molehills," said Margaret Sind Raben, a Detroit attorney who serves as president of the Criminal Defense Attorneys of

Michigan.

Said attorney James Amberg, who filed the suit on behalf of three families: "This problem has plagued certain courts in Oakland County for too long. These judges get up there and just hammer everybody."

A survey of criminal defense attorneys in metro Detroit found that it is rare outside of Oakland County for judges to jail minor-in-possession offenders on probation violations or contempt of court charges.

Legal or not, teens drink

Statistics show that most teens drink, even though to do so when under age 21 is a crime.

Three-quarters of freshmen arrive on campus with some experience drinking, according to statistics kept by the National Institute of Health. And 83% of college students admit to drinking regularly.

In Oakland County, a 2005 Western Michigan University study found that almost 54% of high school seniors reported using alcohol within the last 30 days. More than 34% said they had five or more drinks in a row during the past two weeks.

The university did not collect similar data in other metro Detroit counties.

Michael Steinberg, legal director for the American Civil Liberties Union of Michigan, agrees that some judges are overusing the contempt of court charge.

"We're very concerned about judges abusing their contempt of court powers and sentencing individuals to jail for non-jailable offenses," he said. "Our jails are overcrowded enough. We don't need judges putting teenagers in jail for offenses like drinking alcohol."

Circuit court judges have agreed with defense attorneys who say that minor in possession is not a jailable offense on first conviction. In the past, these judges have overturned district court decisions to send such violators to jail on probation violations.

Barron of Bloomfield Township said he understands that sentiment.

For him, he said: "Each case is different. Is it a first-time offense? What is the person's blood alcohol level? There is no standard. How can you treat everybody the same when everyone is different?"

Critics of the practice of jailing minors also point to its costs.

In 2008, the Oakland County Jail had 109 inmates admitted solely on the charge of minor in possession, jail administrator Ann Russell said.

On a typical day, these inmates took up three beds in the jail, which often is so overcrowded that administrators release prisoners who have completed most of their sentence.

"What we've said for many, many years is the county has to define: Who do you want in jail and who do you not want in jail?" Russell said.

Contact EMILIA ASKARI: 248-351-3298 or easkari@freepress.com

Additional Facts

Let your teen know what you expect

- If your child is going to a party, know how your teen will get home from the party.

- Know how you can reach him or her.

- Devise a code word or phrase that your teen can use to exit the party gracefully if alcohol or drugs are served. For example, if your child calls you and uses the code -- such as, "How is cousin Beth?" -- you'll know he or she wants to leave.

- Make sure your teen knows what time to come home.

- Have a brief discussion with your teen when he or she comes home to assess the teen's condition.

- If your teen is hosting a party, serve plenty of nonalcoholic drinks and food, and monitor your house.

- Know your liability. It is illegal to serve alcohol to people under age 21. If this happens in your home, you could be criminally charged and pay fines in a civil law suit.

Source: Birmingham Bloomfield Coalition
