

Subject: Experts: MIP consequences much harsher than in past - TC Record Eagle - 12-18-11
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Experts: MIP consequences much harsher than in past

Consequences much harsher, experts say

TRAVERSE CITY — Young people arrested for being minors in possession of alcohol face much harsher consequences than did their parents, experts agree.

State officials heralded alcohol-related penalties against minors as one of the nation's toughest when the enhanced law was adopted in 2004, and statistics indicate those claims are true.

Citations for alcohol possession require people under age 21 to appear in court on a criminal — not civil — offense, and probation and heavy fines follow convictions, as do permanent criminal convictions on offenders' records.

"It's pretty serious stuff today," said Carol Stocking, administrator for 86th District Court that includes Grand Traverse, Antrim and Leelanau counties. "We take it very seriously here."

Police issued about 200 minor in possession tickets this year in Grand Traverse County, similar to the 198 citations handed out in 2010.

Traverse City Police Chief Mike Warren said his department doesn't target MIP cases, but complaints about youthful drinking parties are on the rise.

He supports the tougher enforcement approach.

"There are just too many incidents of people hosting these parties and people leaving drunk and getting in cars or getting in fights," Warren said. "Alcohol is a big problem up here. We have a lot of alcoholrelated incidents, domestics, fights, all sorts of crazy stuff."

The district court treats MIP cases consistently, Stocking said. An accused person has 10 days to contact the court magistrate. If that person pleads guilty, they pay a \$300 fine and receive

probation for three months through 86th District Court, Stocking said.

An accused youthful drinker who chooses to attend an alcohol awareness class may have the conviction hidden from the general public, but it remains on their criminal record.

Those placed on probation cannot accumulate any other infractions, including traffic tickets, or they are in violation of probation, Stocking said.

Probation violations can result in an arrest warrant and another \$100 fine.

A citation for a second offense results in random alcohol and drug testing.

"It's a vicious system once you are in it," said Jim Amberg, an Oakland County defense attorney who specializes in MIP cases. "People think an MIP, you just go in there and pay your fine and you're done. They don't realize how seriously the courts treat these."

Some Michigan courts will require a year's probation with random drug and alcohol testing for a first offense, Amberg said.

"You can be walking out of there with some serious probation conditions and the type of conditions in my opinion that set you up for failure," he said.

Teens sometimes struggle to pay fines and have a hard time following all conditions and keeping all their appointments, Amberg said. The result?

"It often lands them in jail," he said.

"If you want to send a kid down the wrong path, throw a kid in jail," Amberg said. "You are almost guaranteeing they will have problems. Any positives out of it to punish someone for an MIP is grossly outweighed by the negatives."

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