

# 4. (1-13-11), 6pm MEETING OF COUNTY COMMISSIONERS

Notes from Emmet County Commissioner's Regular meeting, at 6 pm on January 13, 2011.

Moved freedom of information act appeal to first item.

*Kathleen Abbott (Civil Counsel)*

-Named Joel's Lawyer, expecting him not to be there, and then introduced the prosecuting attorney, stated he and his assistant would speak to commission about this matter.

*James R. Linderman (Prosecuting Attorney)*

-Listed previous appeals that had been made on Joel's case, and that they all had been denied.

-Stated that they had previously already handed over all the requested evidence in the first trial.

-Said that this evidence can be requested in a future appeal

*Kathleen Abbott (Civil Counsel)*

-Brief overview of the evidence requested was given

-Stated that the Michigan State Police have the items in question, not them. Did not feel the county was obligated to produce them.

-Brought up medical records, said liability has been reviewed.

-Stated that they had agreed to give info to defense, but only with all information removed, since the subject of the info was known

-Stated it was not the County's responsibility to pursue this matter, further

*Lester J. Atchison (County Commissioner)*

-inquired into whereabouts of computer in question

*James R. Linderman (Prosecuting Attorney)*

-Stated that he does not know where the computer is, last he knew the state police have it.

*Lester J. Atchison (County Commissioner)*

-asked if someone should keep the records, and who has the burden of responsibility in connection to the whereabouts of the evidence.

*James R. Linderman (Prosecuting Attorney)*

-Stated that he does not know where the computer or copy of contents are, immaterial as they have previously been given out.

*Kathleen Abbott (Civil Counsel)*

-said there is a process and set of requirements for record retention, but did not wish to disclose

-stated they had submitted three draft resolutions for the commission,

*James E. Tamlyn (County Commissioner)*

-which one should we choose?

*Kathleen Abbott (Civil Counsel)*

-said she was confident that they were not obligated to give anything further to defense than they have already provided

*full commission*

-motioned, seconded and carried an undisclosed motion.