

**STATE OF MICHIGAN
IN THE COURT OF APPEALS**

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v.

Court of Appeals No. 377625
Barry County Circuit Court No.
2022-000411-FH

MARK ALAN ARIZOLA,
Defendant-Appellant.

**BRIEF AMICUS CURIAE OF RITA WILLIAMS, EDITOR OF CLUTCH JUSTICE, IN
SUPPORT OF DEFENDANT-APPELLANT MARK ALAN ARIZOLA**

ORAL ARGUMENT NOT REQUESTED

Rita Williams
Editor, Clutch Justice
Richland, MI 49083
hello@clutchjustice.com
Amicus Curiae, In Propria Persona

TABLE OF CONTENTS

Index of Authorities.....	ii
Statement of Questions Involved.....	1
Interest of Amicus Curiae.....	1
Summary of Argument.....	2
Argument.....	3
I. The Sentence Challenged in This Appeal Is Part of a Documented, Recurring Pattern of Extra-Guidelines Sentencing and Resistance to Appellate Correction by the Presiding Judge — Including, on Public Reporting, in This Very Case.....	3
II. Independently Documented Failures in Barry County’s Court Record-Keeping Practices Undermine the Presumption That the Trial Court Record Is Complete and Reliable.....	5
III. Barry County Has an Independently Documented, Recurring Pattern of Failing to Ensure That Court Filings and Communications Actually Reach Incarcerated Litigants.....	6
IV. Barry County’s Governing Body Has Had Documented, Actual, and Longstanding Knowledge of Misconduct Concerns Connected to the Same Court and Prosecutor’s Office.....	7
Conclusion and Relief Requested.....	8
Certificate of Compliance.....	8

INDEX OF AUTHORITIES

Cases

People v Milbourn, 435 Mich 630; 461 NW2d 1 (1990) passim

People v Steanhouse, 500 Mich 453; 902 NW2d 327 (2017) passim

Statutes

MCL 46.11 7

Court Rules

MCR 7.211 1

MCR 7.212(A)(2) 1

MCR 7.212(B) 8

MCR 7.212(H) passim

Other Authorities

Rita Williams, Court of Appeals Intervenes—But Barry County Judge Defies Sentencing Law Again, Clutch Justice (Apr. 1, 2025) 3

Rita Williams, “He Walked In Ready to Ruin Someone’s Life”: The Case for Removing Judge Michael Schipper from the Bench, Clutch Justice (Apr. 27, 2026) 4

Rita Williams, Judge Michael Schipper Defies Michigan Court of Appeals, Abuses Power, Clutch Justice (Jan. 16, 2025) 4

Rita Williams, Metadata, Remands & the Collapse of Record Integrity, Clutch Justice (Feb. 16, 2026) 4, 7

Rita Williams, When a Court Stamp Disappears: Why White-Out on a Barry County Motion Undermines Justice, Clutch Justice (Feb. 15, 2026, updated Mar. 26, 2026)	5
Rita Williams, When “Filed” Doesn’t Mean “Served”, Clutch Justice (Dec. 26, 2025)	6
Rita Williams, Barry County on Notice: Jeffrey Snowden Challenges FOIA Denials, Alleges Brady Violations and Retaliatory Tactics, Clutch Justice (Feb. 24, 2026)	7

STATEMENT OF QUESTIONS INVOLVED

Amicus adopts the Statement of Questions Involved set forth in Defendant-Appellant's brief on appeal. See MCR 7.212(H)(3) (an amicus curiae brief "is limited to the issues raised by the parties").

INTEREST OF AMICUS CURIAE

Amicus Rita Williams is the founder and editor of Clutch Justice (clutchjustice.com), an independent Michigan-based investigative journalism platform focused on court accountability, sentencing practices, and institutional oversight of Michigan's trial courts.¹ Clutch Justice has reported extensively on the Barry County Circuit Court and 56B District Court, including sentencing practices, appellate remand compliance, court record-keeping, and the Barry County Board of Commissioners' handling of misconduct concerns connected to those courts.

Amicus has no relationship with either party and takes no position on Defendant-Appellant's guilt or innocence. Amicus's interest is institutional. The sentencing and remand-compliance issue(s) presented in this appeal do not arise in a vacuum; they arise in a specific institutional setting that amicus has documented over several years. Amicus submits that this documented context may assist the Court in evaluating both the reasonableness of the sentence at issue and the scope of relief necessary to secure compliance with any mandate this Court issues.

This brief does not duplicate Defendant-Appellant's advocacy. It does not restate the case-specific record arguments made in Defendant-Appellant's brief, and it asks this Court to find no fact about any proceeding other than the one before it. It offers institutional and documentary context bearing on how the Court may wish to view the pattern within which this case arises, consistent with the limitation in MCR 7.212(H)(3) that an amicus brief "is limited to the issues raised by the parties."

SUMMARY OF ARGUMENT

The extreme upward departure at issue in this appeal, and the trial court's conduct on any prior remand, should not be evaluated as an isolated event. Public reporting — some of it concerning

¹Pursuant to MCR 7.212(H)(4), amicus states that no counsel for a party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund its preparation or submission. No person other than amicus made any monetary contribution intended to fund the preparation or submission of this brief.

this very case — documents a recurring pattern in Barry County Circuit Court of extra-guidelines sentencing and resistance to appellate correction by the presiding judge. That pattern is compounded by three further, independently documented institutional facts: verified failures in Barry County’s court record-keeping practices that bear on how much this Court should defer to the trial court’s own account of its proceedings; a separate, documented pattern of failing to ensure that court filings and communications actually reach incarcerated litigants, including in a case in which a defendant never received a filing despite a certified proof of service; and the Barry County Board of Commissioners’ own longstanding actual knowledge of misconduct concerns connected to the same court and prosecutor’s office. Together, these documented facts are relevant to the reasonableness inquiry this Court must undertake and to the question of what remedy — including possible reassignment on remand and independent verification of service — will actually secure compliance with this Court’s mandate.

ARGUMENT

Amicus offers the following institutional context, which amicus respectfully submits bears on this Court’s assessment of the sentencing and remand-compliance issue(s) presented in this appeal, including the appropriate scope of any relief.

I. THE SENTENCE CHALLENGED IN THIS APPEAL IS PART OF A DOCUMENTED, RECURRING PATTERN OF EXTRA-GUIDELINES SENTENCING AND RESISTANCE TO APPELLATE CORRECTION BY THE PRESIDING JUDGE — INCLUDING, ON PUBLIC REPORTING, IN THIS VERY CASE.

The Barry County Circuit Court judge who presided below and imposed the sentence at issue is the Hon. Michael L. Schipper. This is not amicus’s characterization; it is reflected on this Court’s own docket for this appeal.

Michigan’s sentencing guidelines exist to constrain, not merely inform, a trial court’s discretion. A departure sentence must be justified by a rationale proportionate to “the seriousness of the circumstances surrounding the offense and the offender.” *People v Steanhouse*, 500 Mich 453, 460; 902 NW2d 327 (2017), quoting *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1

(1990). This Court reviews the reasonableness of a departure sentence for an abuse of discretion informed by that principle of proportionality. *Steanhouse*, 500 Mich at 471.

A pattern of repeated, extreme departures by the same judge, followed by repeated appellate correction and continued departure on remand, bears directly on whether an individual sentence reflects reasoned, case-specific judgment, and on what remedy will actually secure compliance with this Court’s mandate going forward.

Public reporting has documented that in this case, the trial court originally imposed a minimum sentence range of 240 to 480 months against a scored guideline range of 19 to 76 months — a departure exceeding the top of the guideline range more than threefold. *Rita Williams, Court of Appeals Intervenes—But Barry County Judge Defies Sentencing Law Again*, Clutch Justice (Apr. 1, 2025), <https://clutchjustice.com/2025/04/01/barry-county-judge-schipper-resentencing-defiance/>. The same reporting states that, following this Court’s intervention and a remand for resentencing, the trial court’s resentencing again departed substantially from the corrected guideline structure. *Id.* Amicus respectfully directs the Court to the guideline-scoring worksheets, sentencing and resentencing transcripts, and this Court’s own prior order(s) in this matter, which are already part of the record on appeal.

This is not an isolated event involving only Defendant-Appellant. Public reporting spanning several years has documented a broader pattern in Barry County Circuit Court under the same presiding judge, including multiple upward-departure sentences later found unlawful on appeal, resentencing that again departed from corrected guideline structures, and at least one instance in which this Court restricted the judge’s further involvement in resentencing a particular defendant. See, e.g., *Rita Williams, “He Walked In Ready to Ruin Someone’s Life”: The Case for Removing Judge Michael Schipper from the Bench*, Clutch Justice (Apr. 27, 2026), <https://clutchjustice.com/2026/04/27/judge-michael-schipper-removal-barry-county/>; *Rita Williams, Judge Michael Schipper Defies Michigan Court of Appeals, Abuses Power*, Clutch Justice (Jan. 16, 2025), <https://clutchjustice.com/2025/01/16/judge-michael-schipper-continues-defying-court-of-appeals-abusing-discretion/>.

The frequency of appellate correction reinforces the point. Public reporting states that the presiding judge received two separate Michigan Supreme Court remands within a three-month

span — November 2025 and January 2026 — on top of multiple prior Court of Appeals remands, and that reporting has treated overlapping record and remand failures of this kind as evidence of an institutional pattern rather than isolated mistakes. Rita Williams, Metadata, Remands & the Collapse of Record Integrity, Clutch Justice (Feb. 16, 2026), <https://clutchjustice.com/2026/02/16/barry-county-due-process-record-failures/>.

Amicus does not ask this Court to find facts about other cases not before it, and offers this documented pattern for a narrower purpose: it is context relevant to the reasonableness inquiry this Court must undertake in this case, and to whether — if this Court again finds the sentence unlawful — remand to the same judge, without more, is likely to secure compliance with this Court’s mandate, or whether reassignment or more specific instruction is warranted.

II. INDEPENDENTLY DOCUMENTED FAILURES IN BARRY COUNTY’S COURT RECORD-KEEPING PRACTICES UNDERMINE THE PRESUMPTION THAT THE TRIAL COURT RECORD IS COMPLETE AND RELIABLE.

Appellate review depends on the presumption that the trial court record is complete — that what was filed was docketed, and that the record accurately reflects the proceedings below. Amicus’s reporting has documented a specific, verified instance in which that presumption failed within the Barry County trial court system: a motion filed at the 56B District Court was physically stamped “Received,” never entered on the Register of Actions, and returned to the litigant with the stamp obscured by correction fluid, after which no ruling was ever issued on the motion. Rita Williams, When a Court Stamp Disappears: Why White-Out on a Barry County Motion Undermines Justice, Clutch Justice (Feb. 15, 2026, updated Mar. 26, 2026), <https://clutchjustice.com/2026/02/15/barry-county-record-tampering/>. As of the most recent public update, a State Court Administrative Office investigation into that incident, involving the court’s Chief Probation Officer, remained pending. *Id.*

Amicus is not aware of any documented record-integrity irregularity specific to Defendant-Appellant’s own proceedings and does not suggest that one occurred. Amicus offers this documented, verified instance for a narrower and more limited purpose: it bears on how much independent scrutiny this Court should apply to the trial court’s own account of the proceedings

below, rather than accepting that account without independent verification, particularly where — as here — the question presented concerns whether the trial court complied with this Court’s own prior instructions.

III. BARRY COUNTY HAS AN INDEPENDENTLY DOCUMENTED, RECURRING PATTERN OF FAILING TO ENSURE THAT COURT FILINGS AND COMMUNICATIONS ACTUALLY REACH INCARCERATED LITIGANTS.

Public reporting has documented a Barry County Circuit Court case in which the prosecution represented to the Michigan Supreme Court that proof of service occurred on August 20, 2025, while both the defendant’s own docket and the court’s Register of Actions showed the document was not actually mailed until nearly a month later — and the incarcerated defendant never received it at either claimed date. Rita Williams, When “Filed” Doesn’t Mean “Served”, Clutch Justice (Dec. 26, 2025), <https://clutchjustice.com/2025/12/26/failed-service-incarcerated-appellants-michigan-appeals/>. A related report states that a State Court Administrative Office investigation later confirmed the later, manually entered Register-of-Actions date controlled, meaning the appeal at issue had been submitted a full month past the original Michigan Supreme Court deadline. Rita Williams, Metadata, Remands & the Collapse of Record Integrity, Clutch Justice (Feb. 16, 2026), <https://clutchjustice.com/2026/02/16/barry-county-due-process-record-failures/>.

As that reporting explains, a certificate of proof of service establishes only that a party represents having mailed a document; it does not establish that an incarcerated recipient, dependent on correctional-facility mail handling, actually received it in time to act on it. Williams, When “Filed” Doesn’t Mean “Served”, *supra*. The same reporting states that Barry County has faced repeated, documented failures serving court communications — including writs for court appearance, orders, and filings — on incarcerated individuals, and characterizes that pattern as structural rather than a series of isolated clerical errors. *Id.*

This pattern is directly relevant to the relief this Court should consider. It bears on whether the Court should require more than the trial court’s or prosecution’s own certificate of service to confirm that Defendant-Appellant actually received notice of any further proceedings on remand

within a period in which he could meaningfully act on it, rather than accepting that certification at face value.

IV. BARRY COUNTY’S GOVERNING BODY HAS HAD DOCUMENTED, ACTUAL, AND LONGSTANDING KNOWLEDGE OF MISCONDUCT CONCERNS CONNECTED TO THE SAME COURT AND PROSECUTOR’S OFFICE.

As early as May 2023, the Barry County Board of Commissioners retained outside counsel specifically to respond to a grievance filed against the Barry County Prosecuting Attorney, establishing documented institutional knowledge of prosecutorial conduct concerns dating to at least that time. Rita Williams, Barry County on Notice: Jeffrey Snowden Challenges FOIA Denials, Alleges Brady Violations and Retaliatory Tactics, Clutch Justice (Feb. 24, 2026), <https://clutchjustice.com/2026/02/24/jeffrey-snowden-barry-county-foia-brady-ada-section-1983/>.

At a February 24, 2026 public meeting, the Board received further, independent notice when a former resident placed it on formal preservation notice, alleging a fraudulent arrest, Brady and Giglio disclosure failures, ADA retaliation, and systematic denial of Freedom of Information Act requests, in a matter presided over by the same judge whose sentencing practices are at issue in this appeal — a judge whom public reporting shows has separately been the subject of Judicial Tenure Commission proceedings. *Id.*

Public reporting further states that, separately, formal notice concerning the record and remand failures described above was delivered to the Barry County Board of Commissioners on February 16, 2026, and that Michigan county boards hold statutory removal authority over officers for official misconduct once on documented notice. See MCL 46.11; Metadata, Remands & the Collapse of Record Integrity, *supra*.

When an institution’s governing body has actual, documented knowledge of a pattern of misconduct concerns connected to the same offices — knowledge spanning years and surfacing independently across unrelated matters — that knowledge is relevant to how a reviewing court should characterize a sentence that departs as dramatically from the guidelines as the one at issue

here, and to whether the appropriate remedy on any remand should include a mechanism, such as reassignment, to ensure the mandate is actually followed.

CONCLUSION AND RELIEF REQUESTED

For the foregoing reasons, amicus respectfully submits that the documented institutional context set out above is relevant to this Court's disposition of this appeal, and requests that the Court consider it in determining the appropriate scope of relief, including whether reassignment to a different judge and independent verification of service on Defendant-Appellant are warranted on any remand.

Respectfully submitted,

/s/ Rita Williams

Rita Williams

Editor, Clutch Justice

Richland, MI 49083

hello@clutchjustice.com

Amicus Curiae, In Propria Persona

Dated: September 12, 2026

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the word limitation of MCR 7.212(B) and contains approximately 2,071 countable words, according to the word-processing system used to prepare it.

/s/ Rita Williams