

Levine & Levine Obtains a Not Guilty Verdict in Trial of Former Mattawan Police Officer

Defense attorney Sarissa Montague was able to convince a jury that former Mattawan police officer Chelsey Omilian was justified when shooting at a fleeing vehicle in 2017.

The former police officer was charged with reckless discharge of her firearm after firing five shots as a reported stolen vehicle fled from her. Montague successfully argued that Omilian was justified in using force while attempting to stop a fleeing felon whom she had reason to believe was armed and dangerous. The jury agreed Omilian had the right to discharge her weapon and found her not guilty.

“Officers have a sworn duty to protect the communities they serve,” said Montague. “The verdict of not guilty vindicates Ms. Omilian who has lived under a cloud since being wrongfully charged with a crime.”

In an evidentiary hearing before trial, Montague asked the court to permit key pieces of evidence to jurors. The Court granted her the right to enter into evidence that Ms. Omilian knew the suspect’s name, his past felonious criminal background, and that he most likely had a gun. She also won the right to have the judge inform the jury that police officers are legally justified to discharge their firearms when a known felon is fleeing.



Attorney Sarissa Montague

Attorney Anastase Markou Discusses Courtroom Etiquette

Attorney Anastase Markou was a panelist during the Kalamazoo County Bar Association’s May 16 discussion, “What I wish I knew as a new attorney.”

Markou was asked to speak with young attorneys because of his professionalism toward clients, opposing counsel and judges, as well as his commitment to presenting cases to the court with clear and concise explanation of the facts and the law- all accomplished with integrity and honesty in presenting the law and facts in every case.

“The Kalamazoo County Bar Association recognizes Markou’s dedication to being a role model for younger attorneys and believed he would provide great insight in sharing his experiences and advice with those entering the profession,” said Managing Partner Randall Levine.

Panelists also included the Hon. Kathleen Brickley of the 36th Circuit Court and Referee Robin King of the 9th Circuit Court. The Hon. Gary C. Giguere Jr. of 9th Circuit Court, and a former Levine & Levine attorney, introduced the panel.

“It was an honor to be selected by the Kalamazoo County Bar Association as a guest panelist for their May Speaker Series event,” Markou said.



Attorney Tase Markou at KCBA

Peggy Knotts honored by Michigan Lawyers Weekly

Peggy Knotts, Levine & Levine’s office administrator, was recently named as a 2019 “Unsung Legal Hero” by Michigan Lawyers Weekly.

Knotts is among 25 members in Michigan Lawyers Weekly’s third class of Unsung Legal Heroes, which honors the state’s most talented and dedicated legal support professionals who have consistently gone above and beyond the call of duty, often behind the scenes. The class represents several aspects of legal support, including accounting, law librarians, paralegals, legal secretaries, firm administrators, information technology, and legal marketing.

“Peggy, who has been working alongside me since 1982, has been the central core of Levine & Levine, serving as a paralegal, legal secretary and office administrator,” said Levine & Levine Managing Partner Randall Levine. “She works tirelessly managing our firm, and is efficient, organized, disciplined and a consummate pro.”



Peggy Knotts & Randall Levine

For nearly four decades, Knotts has seen Levine & Levine grow from two people in the office to now managing six lawyers and 15 employees.

“We are grateful for Peggy’s courtesousness toward our clients, opposing counsel, court staff and witnesses,” Levine continued. “Peggy is truly the backbone of our entire operation. We are proud to have her on our staff as she really is an ‘Unsung Legal Hero’ to all of us at Levine & Levine.”

U.S. Sixth Circuit Court of Appeals: Chalking Parked Cars Violates Fourth Amendment

In a landmark decision in April 2019, the United States Court of Appeals for the Sixth Circuit ruled that it is unconstitutional for parking enforcement officers to chalk vehicles parked to identify the length of time that they are in a certain position. The decision states that chalking vehicles is akin to placing a GPS tracker without a search warrant, which violates the Fourth Amendment.

Managing Partner Randall Levine explains if you receive a parking ticket based on the fact that you have extended your stay and your tires have been chalked you may be able to challenge the lawfulness of the police conduct. The decision sets a new standard for Michigan, Ohio, Kentucky and Tennessee — all of the states which fall under the jurisdiction of the Sixth Circuit Court. The three-judge panel found that the need to deter drivers from exceeding the time permitted for parking, before they have even done so, is insufficient to justify the warrantless search by chalking the tires of the parked vehicle.



Randall Levine

Randall Levine and Sarissa Montague Explain Why Supreme Court's Ruling on Vehicle Searches is Big Win for Fourth Amendment

In April 2019, the Michigan Supreme Court ruled police officers cannot search vehicle passengers without consent, stating it violates the Fourth Amendment. The decision stemmed from a case where a man said a Jackson County Sheriff Deputy searched his backpack without his consent. The court ruled the search of the backpack violated the Fourth Amendment, after the man consented to being frisked for narcotics and weapons but not to search his backpack.

Interviewed by WWMT Channel 3, Attorney Sarissa Montague said the ruling is a big win for Michigan passengers. "Until now, when people were in a car they didn't have what we call standing – legal status- to question the search; what this case does is to grant Fourth Amendment protection or legal status to question the officer's demand to search your personal property."

Managing Partner Randall Levine detailed two reasons why this state Supreme Court case is important. "First, it is clear now that in Michigan, a passenger has legal standing to challenge the search of personal items in which he or she has a reasonable expectation of privacy. If the police search an item in which a person has a reasonable expectation of privacy without a search warrant or without obtaining consent to search, they have just violated the Fourth Amendment.

Second, the fact that the police obtained the consent of the driver to search the car has no effect on the search of the passenger's backpack. Only the passenger can offer consent to search his personal belongings."

Journal Publishes Family Law Case Summaries by Attorney Rachel Gruetzner

Attorney Rachel Gruetzner wrote a series of legal summaries of recent Michigan Family Law cases for the State Bar of Michigan's Family Law Journal – January 2019 issue.

As a member of the State Bar Family Law Council Amicus Committee, Gruetzner's published work includes cases involving the eligibility for foster care funding, termination of parental rights of a putative father, custody and parenting time, spousal support, post-judgment debt and support issues, and attorney fees and sanctions.



Cathy Zackery

Cathy Zackery elected to NALS State Executive Board

Cathy Zackery, Certified Legal Professional, has been elected to the Executive Board of Directors for NALS of Michigan. NALS of Michigan is the state association for NALS, the association for legal professionals. The organization is dedicated to enhancing competencies and contributions to members in the legal services profession (paralegals, legal assistants, legal secretaries, court staff, process servers, etc.).

Zackery, a member of NALS of Greater Kalamazoo, was elected to the position during the NALS of Michigan's 58th Annual Meeting and Legal Education State Conference in Kalamazoo at the end of April. Board members were sworn into office by Christopher Acklin, Esq., of the Avanti Law Group, PLLC.

"Cathy is a trusted and highly-respected colleague on our team," said Levine & Levine Managing Partner Randall Levine. "We are proud and delighted to see her grow into a leadership position within the Association for Legal Professionals."

Estate Planning for Chronic Illness *By Attorney Tyler Stewart*

Today, nearly 130 million Americans live with a chronic illness or disability. By 2020, this number will increase to 157 million. Currently, six in ten Americans live with a least one chronic disease.

A chronic illness is a condition that lasts one year or more and requires ongoing medical attention, limits activities of daily living, or both (CDC.gov). Chronic diseases include multiple sclerosis, cancer, heart disease, diabetes, COPD, and Alzheimer's disease. Chronic diseases are the leading causes of death and disability in the United States.



Attorney Tyler Stewart

Knowing and understanding the effects of a chronic illness is important when thinking and talking about estate planning. As your estate planning attorney, it is crucial that we ask the difficult questions so that we understand how living with a chronic illness or disability impacts your day-to-day life and your outlook on your future, including your life expectancy, your future healthcare needs, and your future ability to work.

At Levine & Levine, our estate plans typically include documents that are effective during your lifetime – a Durable Power of Attorney and a Durable Designation of Patient Advocate – and documents that are effective after your death – a Will and/or a Trust. However, when we sit with you and discuss the important pieces of your life, we understand that living with a chronic illness or disability may require us to modify the documents to fit your current and future needs.

For example, the Durable Designation of Patient Advocate document allows a trusted individual to act on your behalf in healthcare matters, communicate with doctors and others, and review healthcare records, in the event you are unable to give informed consent about a medical decision. These same considerations are necessary when thinking about the other standard estate planning documents. Who is the best person, or persons, to act in the different roles – and do they understand how your chronic illness may impact their role in the future?

At Levine & Levine, we may not yet understand how your chronic illness is affecting you today, but we look forward to talking with you and hearing how you are living life with your chronic disease and helping craft an estate plan that fits your needs.

Randall Levine Helps Kalamazoo Central High School Mock Trial Team Prepare for National Championship

Levine & Levine Managing Partner Randall Levine had the opportunity to help Kalamazoo Central High School's Mock Trial Team prepare for their upcoming national championship competition in Georgia.

Levine presided as judge during Kalamazoo Central's final dress rehearsal at the Crosstown Courthouse in Kalamazoo. Kalamazoo Central's Mock Trial Team won the state championship in March and competed in the May National Mock Trial Championship in Athens, Georgia, where the team earned a Best Attorney Award.



Randall Levine & Kalamazoo Central High School's Mock Trial Team



Attorney Rachel Gruetzner

What Business Owners Could Learn from the Bezos Divorce

When Amazon founder Jeff Bezos and his wife MacKenzie announced their plan to divorce after 25 years of marriage, many individuals speculated how the couple's wealth would be divided and how the divorce might impact Amazon, especially since it was reported that the couple did not have a prenuptial agreement.

The couple came to an agreement and MacKenzie Bezos reportedly walked away with 25 percent of the couple's stock in Amazon, or approximately 4 percent in the company. While she is now the fourth wealthiest woman in the world, Jeff Bezos retained control of the Amazon voting rights associated with MacKenzie's share post-divorce, leaving Amazon within his control.

Attorney Rachel Gruetzner explained how in many states, including the State of Michigan and Washington State, where the Bezos' live, regardless of whose name is associated with the property, all assets and liabilities accumulated during the marriage are subject to division.

Because of the Bezos' case, many business owners began asking what could happen if they were to get a divorce – how is it fair that my spouse will get a share in this business, when I'm the one that built it from the ground up? In Michigan, the court recognizes the marital efforts of both spouses in the accumulation of the marital assets and marital debts, Gruetzner said. If your spouse stayed at home with your children and cooked and cleaned for you, so you could work 70-hour weeks growing your business, then your spouse's efforts are what enabled you to grow that business. And as such, the spouse will be eligible for a share of the business.



Tase Markou Wins Another Appeal

Appellate victories continue to mount for Levine & Levine Attorney Tase Markou. Markou appealed the sentencing of a man who was convicted and imprisoned based on an improper sentencing guideline scoring by the trial court judge. On remand from the Court of Appeals, a successor trial judge reduced the sentence imposed originally by two years. A Fourth Amendment issue is still unresolved as Markou seeks Michigan Supreme Court relief. Stay tuned!



Attorney Tase Markou

LEVINE & LEVINE IN THE MEDIA

Sharan Levine Weighs in on the Discovery of Aretha Franklin's Wills

After the death of Aretha Franklin in 2018, advisors and family believed the singer did not have a will. Nearly nine months later, three handwritten wills were found in Franklin's Detroit-area home. Following the discovery of the wills, Levine & Levine partner Sharan Levine spoke with WZZM TV about the legality of those wills.

With the fact that there are three wills associated with the legendary singer, Levine explained how the dates and conditions of each will could provide new provisions in Franklin's estate.

"Handwritten wills are legal in Michigan. But such wills must fit specific criteria to be recognized. They have to be dated and printed in the testator's handwriting and the signature must match a material portion of the handwritten part of the will," Levine said during the interview. "Taking the time to go to an estate plan lawyer is critical to properly express your wishes and to avoid the confusion and the unnecessary expense of trying to figure out what the testator meant in a handwritten or poorly drafted writing."



Sharan Levine on WZZM TV



Randall Levine on WWMT

Randall Levine

Managing Partner Randall Levine was featured in MIRS (Michigan's Independent Source of News and Information) regarding proposed prosecutor changes in the Flint water crisis cases. He also appeared on WWMT Channel 3 as a legal expert about Michigan's marijuana law and its impact in the workplace. He also spoke about jury selection and change in venue laws in connection to the case against Jason Dalton.

Sarissa Montague

Criminal Defense Attorney Sarissa Montague was featured as a legal expert on WWMT Channel 3 in May regarding students' constitutional rights amid vaping crackdown at Mattawan High School.

Montague also spoke with Fox 17 regarding the Impaired Driving Safety Commission's 20-page report that looked into marijuana use and driving, specifically to see if there's a set limit that leads to impairment similar to the limit set in alcohol. The report concluded that right now in Michigan it's best to take each arrest and incident on a case-by-case basis.



Sarissa Montague on WWMT

"The commission found that there is not a direct correlation between the amount of THC that somebody has in their system and their ability to drive," Montague said. "The signs of marijuana use are different from the signs of alcohol use and we need to be very careful about figuring out what somebody operating under the influence of marijuana is going to do, how they're going to react and how they're going to drive. Otherwise, you wind up having people arrested and charged with crimes that they haven't committed."