

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF DICKINSON

THE PEOPLE OF THE
STATE OF MICHIGAN,

Plaintiff,

v.

File No. 18-005620-FC

MICHAEL WALLACE VARNEY,

Hon. Mary Barglind

Defendant.

_____/

Michigan Attorney General
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909

Sarah E. Henderson (P68359)
Theodore J. Greeley (P77862)
CASSELMAN & HENDERSON, P.C.
Attorney for Defendant
148 W. Washington Street
Marquette, MI 49855

_____/

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JAN - 9 2019

DICKINSON COUNTY
CLERK'S OFFICE

MOTION FOR BAIL

The Defendant, Michael Wallace Varney, through his attorneys, moves this Honorable Court to reduce the amount of bail in this matter. In support of his motion, the Defendant says:

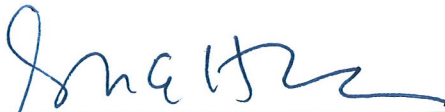
1. In Dickinson County, he has been charged in a Felony Information with Thirteen Counts of Criminal Sexual Conduct – First Degree (During Felony), and Fifty Seven Counts of Delivery of Controlled Substances.

2. He faces similar charges in Marquette and Iron Counties.
3. All charges against Mr. Varney arise out of allegations made by individuals who claim that he provided them with narcotic drugs and marijuana incident to sexual acts.
4. Mr. Varney has been lodged in the Marquette County Jail continuously since his arrest on or about September 19, 2018.
5. His bail in this county is set at \$1,000,000 cash or surety.
6. On information and belief, Mr. Varney's only criminal conviction was a misdemeanor – petty larceny in 1992.
7. Mr. Varney has no history of nonappearance.
8. Mr. Varney has not engaged in substance abuse for 27 years, having been in sustained recovery without relapse for that entire time.
9. Mr. Varney has no history of mental health issues, other than situational depression which developed after his incarceration.
10. Before his arrest and until July 2018, Mr. Varney was a practicing limited license psychologist and was active in the community professionally and philanthropically.
11. Mr. Varney's mother, Joan Varney, is a resident of Iron River, Michigan and is willing to allow Mr. Varney to reside with her, if the Court finds that to be a necessary condition of bond.
12. Mr. Varney has additional family ties in the Upper Peninsula, including his son, Ronald Varney, who lives in Champion, Michigan, and an uncle and aunt.

13. If permitted release on bond and if the conditions of his bond permit it, Mr. Varney intends to seek employment while awaiting trial. He has skills in construction which would make him employable.
14. Mr. Varney is willing to abide by whatever conditions the Court finds reasonably necessary, including any no-contact order, residency restrictions, house arrest, GPS tether or other electronic monitoring.

For these reasons, the Defendant requests this Court reduce the amount of his bail to allow for a personal recognizance bond, together with such conditions as are reasonably necessary to ensure his appearance at future court proceedings and the protection of the public.

DATED: 1/2/19



Sarah E. Henderson (P68359)
Casselman & Henderson, P.C.
Attorney for Defendant

BRIEF IN SUPPORT

Pretrial release is governed by MCL 765.6 and MCR 6.106. MCL 765.6(1) provides that, except as otherwise provided by law,¹ a person accused is entitled to bail, which shall not be excessive. MCR 6.106 sets forth the factors


¹Though the court may deny pretrial release to a defendant charged with criminal sexual conduct in the first degree, to do so, the court must find that proof of defendant's guilt is evident or the presumption great, and even in that event, may allow pretrial release if it finds by clear and convincing evidence that the defendant is not likely to flee or present a danger to any other person. MCR 6.106(B)(1)(b). Defendant submits that proof of his guilt is not evident or the presumption great and, therefore, this section should not apply.

for the court to consider when determining which release to use and what terms and conditions to impose, including the following:

- (a) defendant's prior criminal record, including juvenile offenses;
- (b) defendant's record of appearance or nonappearance at court proceedings or flight to avoid prosecution;
- (c) defendant's history of substance abuse or addiction;
- (d) defendant's mental condition, including character and reputation for dangerousness;
- (e) the seriousness of the offense charged, the presence or absence of threats, and the probability of conviction and likely sentence;
- (f) defendant's employment status and history and financial history insofar as these factors relate to the ability to post money bail;
- (g) the availability of responsible members of the community who would vouch for or monitor the defendant;
- (h) facts indicating the defendant's ties to the community, including family ties and relationships, and length of residence, and
- (i) any other facts bearing on the risk of nonappearance or danger to the public.

Defendant submits that the facts outlined the above motion warrant the relief requested therein.

DATED: 1/8/19



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Attorney for Defendant