

City of Detroit

CITY COUNCIL

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TO: The Honorable City Council
FROM: David Whitaker, Director *[Signature]*
City Council Research and Analysis Division staff
DATE: June 26, 2009
RE: U.S. v Monica A. Conyers/Case No CR-09-20025

The Research and Analysis Division (RAD) in its duty to keep this Honorable Body informed regarding any matters impacting the operations and function of the City of Detroit reports the following:

On June 26, 2009, at the United States District Court for the Eastern District of Michigan, Councilwoman and President Pro-Tem, Monica Conyers pleaded guilty to "conspiracy to commit bribery concerning programming receiving federal funds". Councilwoman Conyers, admitted before the Honorable Judge Averm Cohn, that she "did knowingly and voluntarily conspired to and agree with and Aid and other to corruptly solicit and demand for the benefit of herself and others, and to accept and agree to accept things of value from persons while an agent of the City of Detroit..." in violation of Title 18, United States Code. Section 666(a).

That on November 20, 2007, Member Conyers met with an individual sent by Mr. Rayford Jackson in the parking lot of the Butzel Family Center and received an envelope containing cash. That on December 4, 2007, an individual sent by Mr. Rayford Jackson met Member Conyers and her aid in a McDonalds parking lot in Detroit, "at which time the individual delivered an envelope containing cash".²

The Court accepted Member Conyer's guilty plea. The court's clerk entered a conviction on the charge of conspiracy to commit bribery concerning programs receiving federal funds. The conviction carries a potential sentence of 60 months in prison and fines of up to \$250,000.00. The plea agreement did not define the amount of time to be served, however the sentencing guidelines for the crime provides for a maximum 60-month term, which would not be exceeded by the Court. The sentencing will be scheduled following a

¹ U. S. v Monica A. Conyers, Case No. CR-09-20025; Second Superseding information

² U. S. v Monica A. Conyers, Case No. CR-09-20025; Second Superseding information, Overt Acts

pre-sentencing report conducted by the Court. Judge Cohn will make the decision on whether to sentence in accordance with the plea agreement or disregard the agreement and sentence her for term above that agreed upon, wherein she can withdraw her plea and proceed to trial.

It is RAD's understanding that there is an effort underway to effectuate Member Conyers' resignation. Under the circumstances a voluntary resignation would be preferable, as it prevents this Honorable Body from having to engage in the procedural forfeiture apparatus under the Charter provision 2-107(2)(c) which states in pertinent part:

The position of an elective city officer or an appointee shall be forfeited if he or she.

C. Is convicted of a felony while holding the office or appointment.

The city council shall be the judge of the grounds of forfeiture of an elective officer or an appointee. A city council member charged with conduct constituting grounds for forfeiture may not participate in the resolution for the charge.

A person charged with conduct constituting grounds for forfeiture is entitled to a public hearing before the city council. Notice of the hearing shall be published in on (1) or more daily newspapers of general circulation in the city at least one (1) week in advance of the hearing. Decisions made by the city council under this section are subject to judicial review in a hearing de novo.

The forfeiture process would be similar to that which was undertaken with regard to former Mayor Kwame Kilpatrick, however, a significant difference being Member Conyers' plea results in a conviction that will be final upon sentencing. Pursuant to the Section 2-107, forfeiture is not automatic. The convicted official is entitled to a public hearing prior to City Council's adjudication. Finally, upon the vacancy of the President Pro-Tem, by Member Conyers, the position would automatically go to Member JoAnn Watson by ascension by virtue of the results of the last general election.