

# MICHIGAN TRUTH SQUAD

## MICHIGAN TRUTH SQUAD ANALYSIS: "LEYTON IN HIS OWN WORDS"

**Who:** Michigan Republican Party  
**Elected office seeking:** Attorney General  
**Party:** Republican  
**Primary or general election ad:** General  
**Featured campaign material:** Web ad

### QUESTIONABLE STATEMENTS:

**"They're not criminals, but they commit crimes. They just make mistakes because they're addicted to drugs."**

This is the third time the Michigan Republican Party has hit Genesee County Prosecutor David Leyton, the Democratic nominee for attorney general, using this statement, which is clearly clipped mid-sentence. Leyton [said this in June](#) at a Washtenaw County Democratic forum. He was talking about the drug and mental health courts he has helped [set up in Genesee County](#).

[Drug courts](#) handle the cases of nonviolent substance abusing offenders and the judiciary, prosecution, defense bar, probation, law enforcement, mental health, social service and treatment communities work together to help offenders find restoration in recovery and become productive citizens. To get in, offenders must plead guilty to all charges.

The ad implies Leyton supports letting drug criminals out of jail. According to his campaign, what Leyton supports is nonviolent offenders going through a different judicial system after they've pleaded guilty. Drug courts enjoy bipartisan support, with Senate Appropriations Department of Corrections Subcommittee Chair Alan Cropsey (R-DeWitt) [sponsoring legislation](#). The U.S. Department of Justice has found that drug courts are ["considerably more effective than traditional criminal prosecution methods."](#)

**"Four year-old Dominick Calhoun needed protection, his mother's boyfriend, Brandon Hayes was on probation for a year in 2005 for possessing a controlled substance. In April Hayes was charged with felony murder by torture after beating and torturing Dominick to death over the course of several days."**

Hayes was on probation in 2005 for possessing a controlled substance. The ad doesn't give Hayes' complete violent criminal history, however. In 2007, Hayes was sentenced to two years in prison for assaulting, resisting, obstructing a police officer and fleeing police, according to the same [ABC-25 story](#) cited in the ad. Two months ago, a Mt. Morris woman filed a personal protection order against him. In April, police said Hayes delivered marijuana to a minor,

intended to deliver marijuana and possessed hydrocodone. [Hayes also was diagnosed with schizophrenia](#) and committed to a mental hospital in March while living in Livingston County.

The alleged murder took place in Argentine Township in Genesee County. In April, [Leyton charged Hayes](#) with two counts of felony murder, three drug charges, first-degree child abuse and assault with intent to do great bodily harm.

As opposed to criminal cases cited in the [MRP's first ad](#), this one did take place in Genesee County. However, Hayes would not qualify for the drug court system, as he was charged with multiple homicides. Those courts are reserved for nonviolent drug abusers who have pleaded guilty to their crimes.

**"In Leyton's first two years as Genesee County Prosecutor the murder rate went up 33%. In David Leyton's first three years on the job rape increased 21%."**

The ad cited the Michigan State Police Criminal Justice Information Center for these statistics. But we don't know what time period is being used to compare the murder and rape rates to those under Leyton's first years. Leyton was elected prosecutor in 2004 and took office in 2005. There was an increase in crime in 2004 and 2005, but the numbers decreased in 2006. If you go by two year comparisons for murder, there were 70 in 2003 and 2004 before Leyton took office, one more than the number of homicides for his first two years, 2005 and 2006. For rape, the MSP does not have exact numbers for comparison.

In 2002, the MSP did not give county totals for crimes but only lists statistics for [each law enforcement unit](#). [In 2003](#), there were 19 murders and 27 rapes in Genesee County, according to MSP's Uniform Crime Report. [In 2004](#), there were 51 murders and 281 rapes. [In 2005](#), there were 57 murders and 333 rapes. [In 2006](#), there were 12 murders and 25 rapes. [In 2007](#), the MSP changed categories, so it's not an exact comparison. There were 35 murders/non-negligent manslaughters and 177 first-degree sexual penetration penis/vagina. [In 2008](#), the category names changed again. There were 38 murders/non-negligent manslaughters and 211 first-degree criminal sexual conduct incidents.

It's not the prosecutor's job to prevent crime. Prosecutors charge criminals and try to convict them. Attorneys general rarely deal with criminal cases, but focus on fraud and consumer protection cases.

**"David Leyton, soft on crime, hard on families. Michigan deserves safer communities and we deserve an Attorney General who is tough enough to stand up to criminals and protect families."**

This is just an ad hominem attack that Leyton won't protect families as Attorney General.

## **OVERALL IMPRESSION:**

In many ways, this ad is a rehash of [two previous attacks](#) the MRP has made against Leyton, [both of which earned fouls](#) from the Truth Squad. The spot implies that Leyton would excuse Hayes' alleged homicide because he was convicted on a previous drug charge. The fact that Leyton charged him with several crimes, including two murder counts, would refute that. Republicans have been trying for months to label Leyton as soft on crime, likely to blunt the national attention he's received for charging Elias Abuelazam, [the alleged Flint serial stabber](#).

The ad also doesn't present the full picture of Genesee County's crime statistics during Leyton's tenure as county prosecutor. It's also not clear what this has to do with Leyton, as prosecutors aren't charged with preventing crime.

Equally of concern: The attorney general's office has little to do with criminal prosecution. This is from the Attorney General's [web page](#):

"The Attorney General's Criminal Division investigates and prosecutes crime throughout the State. However, criminal cases which are local in effect are rarely prosecuted by the Attorney General. Such cases are more appropriately pursued by local officials and citizens are urged to bring such cases to their local police and county prosecutor. The types of cases that are typically investigated and prosecuted by this office are:

- crimes where the state is a victim;
- political corruption and police corruption;
- cases of statewide significance where the prosecutor has rejected the case or asked for assistance;
- cases where the prosecutor has been disqualified; and,
- Organized crime, racketeering and money laundering."

It's simply misleading the public to suggest that an attorney general has as his primary – or even secondary responsibility – prosecuting drug cases.

If you wish to learn more about what the Attorney General really does, look [here](#).

**FOUL OR NO FOUL:** Flagrant Foul.

Flagrant Foul because this is the third time the MRP has falsely claimed Leyton is soft on criminals because of a statement taken out of context, and for misleading voters about the primary responsibilities of the Office of the Attorney General.