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Old Law Can Be Good Law

Jim Ujczak, now 23, went to prison Feb. 23, 1971, after copping a plea to attempted sale of marijuana.

He had been dealing weed in the Detroit suburb of Westland for about six months and had just gotten married when he got popped.

Ujczak has been in prison almost two years. If he were caught right now and convicted, the maximum sentence he could receive for attempted sale is two years.

But because Ujczak was sentenced under the old, harsh state pot law — a law the State Supreme Court threw out when it freed John Sinclair last spring — Ujczak may stay in prison until Sept. 10, 1974. Even though it was his first arrest, he was given the maximum sentence.

Gov. Milliken had ordered the five-member state parole board to review all such cases last spring and recommend that anyone serving more than the maximum sentence under the new law be released.

But the parole board has made about 30 exceptions.

In Ujczak’s case the parole board says it decided to keep him locked up because some prison guards “suspect” that Ujczak is dealing weed to other inmates at Prison Camp Waterloo outside Ann Arbor.

“It’s true that we don’t have any proof of this,” admitted Frank Buchko, a parole board member and the brother of the warden at Marquette Prison.

The guards have conducted several shake downs of Ujczak’s property and found nothing.

“But the majority of parole board members felt that the guards have had a good reason to ‘suspect’ him or they wouldn’t have put it in their report,” Buchko said.

The only other matters against Ujczak were the smuggling of a pair of sandals into prison and smoking a joint, Buchko said. Ujczak’s work record and his behavior were rated “fair to good.”

Mary Ujczak has appealed to the parole board and to Gov. Milliken for the freedom of her partner. But so far the only concession she’s won is a promise by the parole board to review his case again in May.

“Maybe we’ll let him out then,” Buchko said. “I have to agree that he’s really no menace to society and maybe he’ll straighten himself up.”

It is this petty, backwoods attitude on the part of the parole board — which seems to ignore the presumption of innocence until proven guilty — that is also keeping in the other prisoners sentenced under the old law.

A letter to Gov. Milliken, who is up for re-election next year, might not help much, but it might help some. If the people don’t get something stirred up, it seems clear that these brothers and sisters will remain caged up.

We the People
Authenticity
Federal Rules of Evidence: Rule 901. Authenticating or Identifying Evidence

(a) In General. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.

(b) Examples. The following are examples only — not a complete list — of evidence that satisfies the requirement:

(7) Evidence About Public Records. Evidence that:

(A) a document was recorded or filed in a public office as authorized by law; or
(B) a purported public record or statement is from the office where items of this kind are kept.


AALL: The Little Engine that Could
UNIFORM ELECTRONIC LEGAL MATERIAL ACT

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ON UNIFORM STATE LAWS

and by it

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What UELMA is Intended to Achieve

UELMA provides guidelines to allow states to provide and preserve trustworthy electronic legal material to the public on a permanent basis.
UELMA Basics

Electronic legal material that has been designated official by the state government must be:

– Capable of being authenticated;
– Preserved; and
– Permanently accessible
UELMA Basics

Each enacting state decides what legal material is covered by the act (Section 2).

Three categories of mandated materials:

– State constitution
– State statutes (session laws and codes)
– Agency rules with the effect of law
UELMA Basics

The state must appoint an official publisher for each type of legal material. (Section 2)
The official publisher must designate as official any legal material published only electronically. (Section 4)
Official legal material in an electronic record must be capable of being authenticated. (Section 5)

Authenticated electronic legal material is presumed accurate. (Section 6)
UELMA Basics

Electronic legal material that is or was designated as official must be securely preserved. (Section 7)
The official publisher must ensure that the preserved legal material is reasonably available for public use on a permanent basis. (Section 8)
What’s Happening in the States

UELMA has been enacted in 12 states so far:

It is currently pending in four more, including Texas.
Additional Resources
