

STATE OF MICHIGAN

MACOMB COUNTY CIRCUIT COURT

In re Judicial Availability

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1998- PLAN  
~~Administrative Order 1998-1~~

Pursuant to MCR 6.104(G), the following plan for judicial availability is adopted by the 16th Judicial Circuit:

1. The Chief Judge of each district court shall insure that a judicial officer shall be available on each business day to preside over arraignments of defendants arrested for the commission of a felony.

2. The District Judges of the County shall insure that a judicial officer shall be available on each non-business day to either:

a. Preside over arraignments of defendants arrested for the commission of felonies; or,

b. Be available for setting bail conditioned upon

(1) the judicial officer being presented a proper complaint and finding probable cause pursuant to MCR 6.102(A) and

(2) the judicial officer having available information to set bail.

(3) For purposes of this order, a proper complaint may be presented to the judicial officer by fax or other electronic means.

(4) Pursuant to MCR 6.104(G)(2) the judicial officer shall order the arresting officials to arrange prompt transportation of any accused unable to post bond to the judicial district of the offense for arraignment not later than the next regular business day.

(5) A plan for effectuating this section shall be developed and submitted to the State Court Administrative Office along with this order.

3. In the case of an emergency outside of Circuit Court business hours, Circuit Court matters may be brought to the attention of the current Circuit Court Alternate Judge via pager.

4. This plan is predicated upon all magistrates being duly authorized jurisdictionally to exercise the duties mandated by MCR 6.104(G).

5. Administrative Order 1990-1 is REPEALED.

6. This order is effective October 9, 1998



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Peter J. Maceroni, Chief Judge

Dated: *OCT. 7, 1998*

## PLAN TO IMPLEMENT ORDER FOR JUDICIAL AVAILABILITY

This plan is created to implement Administrative Order 1998-1 providing for judicial availability for non-business day arraignment, bail decisions and probable cause determinations.

1. An Assistant Prosecuting Attorney (APA) will be available at the Macomb County Jail from 9:00 a.m. until Noon on non-business days in order to review the factual basis of warrantless arrests and to sign warrant authorizations, if appropriate.

A. Law enforcement officers of arresting jurisdictions shall bring to the APA at 9:00 a.m. on any non-business day a Request for Warrant Authorization (sample attached) with part 1 completed, any police report(s), criminal history and other supporting documentation for any individuals arrested without a warrant who have not yet been arraigned or had a bail/probable cause determination. In jurisdictions which have adequate facilities, the defendant may remain lodged in the local facility.

B. The APA will review the documents submitted by the law enforcement officer(s) and gather further supporting information, if necessary. The APA will complete the Request for Warrant Authorization, if appropriate, and provide it to the duty judicial officer. The formal complaint shall be prepared the next business day. The APA will be available for communications, as necessary. The law enforcement officer(s) from the arresting agency shall be available for further information, if necessary.

2. A judicial officer shall be available via electronic means or in person at the Macomb County Jail on each non-business day from 10:00 a.m. to Noon, pursuant to a rotation system established by the district courts, to review warrant authorizations, set bail and make probable cause determinations. "Electronic means" include fax and telephone or a video/audio link and fax or other system of electronic communication.

A. The judicial officer will review each request for a warrant authorization signed by the APA, make a probable cause and bail determination and communicate the decision to the Macomb County Jail and the APA. Local law enforcement officers shall be responsible for communicating decisions to local agencies which are lodging defendants.

3. An individual arrested for allegedly violating a personal protection order when the following day is not a Circuit Court business day shall be taken before the duty judicial officer within 24 hours of arrest, at which time the judicial officer shall order the defendant to appear before the circuit court for a hearing on the charge. The judicial officer shall set bond for the individual. See MCL 764.15b.

4. A record of the matters decided shall be made. The record may be a written log sheet, an audio tape, a video tape or similar informal list of the proceedings reviewed and decided. It need not be a transcription of the proceedings by a court reporter.

5. A "judicial officer" includes the magistrates of the Macomb Count District Courts pursuant to an Administrative Order authorizing County-wide jurisdiction of magistrates.



# REQUEST FOR WARRANT AUTHORIZATION

## PART 1 TO BE FILLED OUT BY POLICE AGENCY

PA NO. \_\_\_\_\_

Name: First, Middle, Last			District Court:		
Co-Defendant(s)*			Police Agency		
		MI SID#	P.A. Special Unit		
Driver's Lic.#:		Sex:	Complaint #:		Crime Date:
DOB*	Race:	Location:		Twp./City/Vil.:	
Alias:		Request Charge:			
Address		1.	3.		
City/St/Zip:		2.	4.		
Summary of Offense:					

## PART 2 TO BE FILLED OUT BY SCREENING ATTORNEY

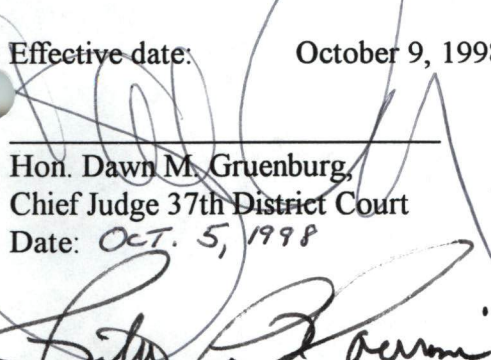
Authorization Charge:	Charge Code:	Years/ Days	F M	Denial Reason:
1.			F M	
2.			F M	
3.			F M	
4.			F M	
Screen Date:		APA Name:		Bar No:
Comments/warrant variables:				
OFFICER IN CHARGE:			INFORMATION AND BELIEF SUPPORTED BY COMPLAINING WITNESS (CIRCLE ONE)      YES      NO	
COMPLAINING WITNESS:				


**THE DISTRICT AND MUNICIPAL COURTS FOR THE COUNTY OF MACOMB  
LOCAL ADMINISTRATIVE ORDER 1998-1 FOR MULTIPLE DISTRICT PLAN**

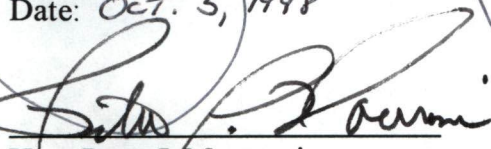
This administrative order is issued in accordance with MCL 600.8251; MSA 27A.8251 and MCL 600.8320; MSA 27A.8320 effective February 24, 1994. The purpose of this order is to allow two or more district courts within a county to establish a multiple district plan upon approval of the State Court Administrative Office.

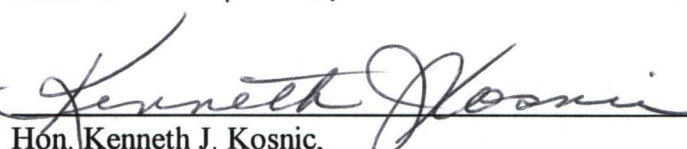
1. The 37th, 39th, 40th, 41A, 41B, 42nd District Courts and the Eastpointe Municipal Court, within the County of Macomb, establish a multiple district area.
2. All district court magistrates within the multiple district area are authorized to conduct arraignments, set bail or recognizance, provide for the appointment of counsel, make determinations of probable cause and issue warrants for all of the participating districts and the municipal court within the multiple district area.
3. All district court magistrates under this multiple district plan have been appointed under MCL 600.8501; MSA 27A.8501 and nothing in this plan shall grant powers or duties to the district court magistrate that are not authorized by statute or that exceed the authorization of the chief judge of the district in which the district court magistrate is acting.
4. All district court magistrates under this plan are subject to the superintending control of the chief or only district court judge of the district or municipal court in which one magistrate is serving.

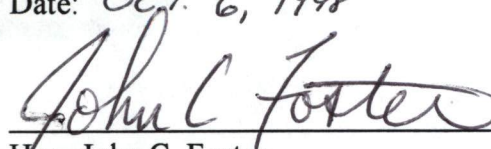
Effective date: October 9, 1998


  
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Hon. Dawn M. Gruenburg,  
Chief Judge 37th District Court  
Date: OCT. 5, 1998


  
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Hon. Mark S. Switalski,  
Chief Judge 39th District Court  
Date: OCT. 5, 1998

  
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Hon. Peter J. Maceroni,  
Chief Judge 40th District Court  
Date: OCT. 6, 1998

  
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Hon. Kenneth J. Kosnic,  
Chief Judge 41A District Court  
Date: OCT. 5, 1998

  
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Hon. John C. Foster,  
Chief Judge 41B District Court.  
Date: OCT. 6, 1998

  
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Hon. Richard D. McLean,  
Chief Judge, 42nd District Court  
Date: OCT. 6, 1998

  
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Hon. Benedict Segesta,  
Chief Judge, Eastpointe Municipal Court  
Date: OCT. 6, 1998