

DISTRICT COURT ROLODEX

REVISED APRIL 2015

This document provides references to statutes (MCL), court rules (MCR), case law, Attorney General Opinions (OAG)¹, Supreme Court Administrative Orders (AO), State Court Administrative Office (SCAO) Administrative Memoranda, and other useful references. The references are a starting point; users of this database should conduct their own research. Please submit your suggestions and corrections to references or hyperlinks to me via the MCAA e-mail list-serve so that we reserve the integrity of the document.

¹ Attorney General Opinions are not published on their web site prior to March 1, 1963.

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SUBJECT REFERENCE

ABANDONED VEHICLE	MCL 257.252a
Petition regarding Impound of Motor Vehicle or Seizure of Motor Cycle	SCAO Form DC90
Other references:	MCL 257.606(4) , MCL 257.673 , MCL 257.742(2)

SOS web site regarding instructions to owners - Abandoned Vehicle Law
Petition generated by SOS and sent to titled owner: TR-52P

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ABSTRACT OF CONVICTION TO SOS	MCL 257.732 ; MCR 4.101(B)(4)(e) ; MCR 4.101(F)(2)(a) , SOS Offense Codes
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Bond Forfeiture Abstract; date = actual date of forfeiture (not failure to appear date)

Only 1 Bond Forfeiture Abstract per case.

Submit only if forfeiture occurs before judgment

Certification required annually	MCL 257.732
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Civil Judgment not satisfied; plaintiff may request abstract after 30 days:	MCL 257.511
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Drug Convictions;	MCL 333.7408a(12)(a)
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Limited Access Speeding

Abstracts submitted upon conviction, not sentencing	MCL 257.732(1)(a)
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Exceptions:

Drug cases submitted at conviction

Pre-1992 OUIL offenses submitted at conviction

OUIL offenses as of 1992 submitted at both conviction and sentencing

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ACCESS TO RECORDS	MCR 8.119(E) and (F)
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Case File Management Standards, Component 19

SCAO Administrative Memorandum 2006-04

Criminal Sexual Conduct, access to court	MCL 750.520k
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Certified copy, fee	MCL 600.2546
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Pen & ink	MCL 750.492
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Deferred judgment of guilt

Substance Abuse	MCL 333.7411
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Domestic Violence	MCL 769.4a
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Parental Kidnapping	MCL 750.350a
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Health Care Professional practicing under influence	MCL 750.430(8)(a)
Minor in Possession of Alcohol	MCL 436.1703
Drug Court	MCL 600.1070(b)(i)
HYTA	MCL 762.11
LAO Model 08	
LEIN information - misdemeanor to disseminate	MCL 28.214
Parties to action always have access. Attorneys have access only while case is pending or on appeal if file has become non-public.	
Physical inspection	MCL 750.492
Response if access is restricted, i.e. non-public: "No public record exists."	

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ADJOURNMENTS	MCR 2.503
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AFFIDAVITS	MCR 2.113 , MCR 2.114
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Must be verified by oath or affirmation. Notarized before clerk or other authorized person.

Not required on all documents - see	MCR 2.114(B)(1)
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Verification by:

Party or someone having knowledge of facts stated

Or, if affidavit not required, by including signed and dated declaration "I declare that the statements above are true to the best of my information, knowledge, and belief."

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AIDS	MCL 333.5129
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Procedure at arraignment - testing ordered

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APPEALS	MCL 600.8342
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Generally, Michigan Rules of Court, Chapter 7

Bond	MCR 7.101C
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Criminal: if bond posted = stay of sentence & abstract.	MCR 7.101H(4)
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Civil.....	MCR 7.101H(1)
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Surety	MCR 3.604D
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Costs & Fees District Ct.	MCL 600.6536
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Circuit Ct.	MCL 600.2529
Ct. of Appeals	MCL 600.321
Supreme Ct.....	MCL 600.244
District to Circuit	
.....21 days	MCL 600.7701 ; MCR 7.100 Use checklist DC-54
.....\$25 fee to DC	MCL 600.6536
Abstract of conviction to SOS not held pending appeal. Appellee may notify SOS if overturned.....	MCL 257.732(18)
Exception for drunk boating, where Circuit Court must notify SOS.	
If appeal dismissed or judgment affirmed, apply bond to fine & cost.	See MCL 600.6502 as it applies to civil matters. MCR 6.615(E)
District Informal to Formal:	
7 days; appeal bond required. No abstract until after appeal period.	MCR 4.101(H)(2)
Magistrate Decisions:	
7 days	MCR 4.401(D)
Municipal Court	MCR 7.102
Appellate Court Opinions	
Not binding on lower courts unless opinion is from Supreme Court or a published opinion from the Court of Appeals. City of Detroit v Qualls, 434 Mich 349 (1990)	
Summary Proceedings	
10 days	MCR 4.202(L)
Superintending Control is proper method to challenge generalized practices of inferior courts. Library Board v District Judges 118 Mich App 379 (1982)	
Tenancy	
10 days	MCR 4.201(N)
Transcripts	
Criminal.....	MCR 6.425
Fees for.....	MCR 2.002
Not waivable would be over-ruled by Civil - Appears fee cannot be waived.	MCR 6.425

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APPEARANCES

By party or attorney.....	MCR 2.117
Appearance ticket - 93 days:.....	MCL 764.9c

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ARCHIVES

(Court records retention/destruction)

Dept. of History, Arts, Libraries

Caryn Wojcik (335-8222); wojcick@michigan.gov

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ARRAIGNMENT

Felony	MCR 6.104
Must be on the record	MCR 6.104(F)
Misdemeanor	MCR 6.610 , MCL 764.26
Arrest with warrant	MCL 764.1b , MCL 780.582
Arrest without warrant	MCL 764.1c , MCL 780.581 , MCL 764.13
Judicial Availability Plan required	MCR 6.104(G)
Physical presence	MCL 767.37a , MCR 6.006 (video)
Probable cause and arraignment or bond set within 24 hrs. Mabry v Kalamazoo County, 626 F Supp 912 (WD Mich 1966) Austin v City of East Grand Rapids, 685 F Supp 1396 (WE Mich 1988); 1989	
Without unnecessary delay: Leisure v Hicks, 336 Mich 148 (1953)	MCR 6.104 , MCL 764.1b , MCL 764.13
Without unreasonable delay:	MCL 257.727
Negligent homicide	MCL 257.625 crimes (see MCL 257.625b - 14 days)
Reckless driving	
No valid license in possession (as ID, not as crime)	

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ARREST	MCL 764.1
By private person:	MCL 764.14 , MCL 764.16
Court officer arrest power	OAG 5884 (10/17/79) & MCR 2.103(D)
Persons exempt from:	MCL 600.1821 - MCL 600.1835
Doesn't apply to traffic civil infractions:	MCL 600.1865
Probation violation:	MCL 764.15(g)
Without warrant:	MCL 764.15
Arrest warrant may be served anywhere in state:	MCL 767.31

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ASSIGNMENT OF DEBT OR CLAIM

Common law assignments [MCL 600.5201](#)
Insurance [MCL 500.3174](#)
Small Claims - assignment not allowed: [MCL 600.8407](#); [MCL 600.8408](#);
In re Goehring, [184 Mich App 360](#) (1990)
Tax claim against State - assignment not allowed [MCL 205.306](#)

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ASSIGNMENT OF JUDGES [MCR 2.003](#); [MCR 6.110\(F\)](#);
[MCR 8.111](#); [MCL 600.225](#)

Judicial assignment does not constitute a change of venue; judge is assigned to serve as a judge in the other court

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ATTACHMENT (EXECUTION) [MCL 600.6001 et seq.](#) [MCR 2.103\(B\)](#),
[MCR 2.621](#), [MCR 3.103](#)

Claim and Delivery [MCR 3.105](#)
Fee [MCL 600.8306](#)
Court Office authority [MCR 2.103\(B\)\(1\)](#)
Exemptions and Exceptions [MCL 600.6021 et seq](#)
Grounds for civil arrest [MCL 600.6075](#)
Judgment filed with Circuit Court, seal required for execution [MCL 600.6003](#)
Writ of Restitution/Order of Eviction - **See** Eviction, Order of
General Civil - after 21 days [MCR 2.615](#)
Landlord tenant - 10 days [MCR 4.201\(N\)\(2\)](#)
Summary Proceedings - 10 days [MCR 4.202\(L\)](#)

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ATTEMPTS [MCL 750.92](#)

Penalties Imprisonment cannot exceed 1/2 of the maximum for the offense attempted.

UDAA 5 yr. Felony; Attempt is 2.5 yr. Felony

Joyriding 1 yr. Felony; Attempt is 1 yr. Misdemeanor

SOS treats an attempt as if completed [MCL 257.204b](#)

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ATTORNEY, COURT APPOINTED

Appointment.....	MCR 6.005
After guilty plea	MCR 6.302(B)(6) , MCL 770.3(1)(d) , People v Bulger, 462 Mich 495 (2000) - appointment not required Default Judgment 50a USC 521 (2004) - court may not enter default judgment until court appoints attorney for defendant if defendant on active military duty. If plaintiff is unable to determine whether defendant is in the military, court may require plaintiff to post bond.
District Court	MCR 6.610(D)(2) , MCL 600.8317
Not on Civil Infractions	MCL 257.747(2)
On appeal	MCR 6.625 , MCR 6.425 , AO 1989-3 (Page 30), AO 2003-03 (Page 68)
Felony	MCR 6.505 , MCL 775.16
Post Conviction Proceedings	MCR 6.433 , MCR 6.625
Probate commitment proceedings; attorney member of Legislature may receive appointment -	OAG No. 6802 , 6/17/94.
Probate Court - Mentally Ill	MCL 330.1434 , MCL 330.1454
Cost of	MCR 8.202 ,
Felony	MCL 775.16 , AO 2003-03
Fee Reimbursement	MCL 769.1k
Considered a Cost	MCL 600.4801(a) OAG No. 6995 , 9/16/98, People v Humphreys, 221 Mich App 443 (1997) , People v Teasdale, 335 Mich 1 (1952)
Court Administration Reference Guide; 6-13-01	
Not if acquitted	MCL 768.34
Partial indigency	MCR 6.005(C)
Probation condition	MCL 769.3 , MCL 771.3(5)-(8)
Tax intercept	MCL 12.113
Terms of repayment must be in separate order	People v Dunbar, 264 Mich App 240 (2004)
Use of bond to pay	MCL 765.12 , People v Wesley, 148 Mich App 758 , note #11
Petition and Order for CAA	SCAO Form MC 222
Records & Plan for Appointment	MCR 8.123
State Appellant Defender	AO 1981-7 (Page 5), AO 1989-3 (Page 30)

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ATTORNEY FEES

See also Attorney, Court Appointed

Civil Cases (except LT)	MCL 600.2441(2) , MCL 600.8375 , MCR 3.206(C)
Civil LT Cases	MCL 600.5759 , MCR 3.206(C)
Contingent.....	MCR 8.121
Domestic Relation Cases.....	MCR 3.206(C)

Felony	MCL 775.16
Fiduciary	MCR 8.303
Municipal Courts	MCL 117.28b , MCL 730.524
Reimbursed by State	
When felony cases committed in correctional institutions.	MCL 800.452 Submit monthly to DMB
Waiver.....	MCR 2.002

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BANKRUPTCY

Criminal fines not dischargeable with Chap. 7 or 13
 Civil Infraction fines, costs, fees dischargeable
 Kevin T. King v. Shirley Chafee - US Bankruptcy Court, Eastern District, Southern Division 94-45660

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BIND-OVER

Minimum contents of papers sent to Circuit Court	MCR 6.110(G)
1 yr. misdemeanor with a felony People v. Loukas, 104 Mich App 204 (1981)	
What is kept in file	MCR 6.110(G) , Component 11, MCL 766.15

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BOND (GENERAL PROVISIONS)

Court Administration Reference Guide; 15-05	MCR 3.604 , MCR 3.606 , MCR 6.102 , MCR 6.106 , MCL 765.1 et. seq., MCL 780.64 – MCL 780.67
Attachment (not subject to)	MCL 765.16
Attorney may not post	MCL 765.8 , MCL 780.72 , MCL 600.2665
Bind-over.....	MCR 6.110(G) , MCL 766.14
Bond Account - Insufficient Funds	MCL 600.1465
Cash/Surety only.....	MCL 765.6a
Civil	MCL 600.2631
Conditions to protect named person; entry in LEIN	MCL 765.6b
Fee by agency making arrest.....	MCL 765.12a
Felony	MCL 766.5
Garnishment (not subject to).....	MCL 600.2631 , MCL 765.16
Increase/reduction	MCL 780.65
Interest Bearing Account - interest follows the disposition of the bond	MCL 765.17
Jail Costs - bond can't be taken to cover Mudge & Brown v Macomb Co., 210 Mich App 436	

Jail Credit when can't post bond; \$5/day	MCL 780.73
None allowed	MCR 6.106(B) , MCL 765.5 , MI Constitution, Article 1, § 15
Obligation terminated at sentencing Peo v Brow, 253 Mich 140 (1931)	
Pending Sentence	MCL 780.69
Release - 6 mos. (felony); 28 days (misdemeanor)	MCR 6.004(c)
Surrender of defendant prior to forfeiture	MCL 765.18 , MCL 765.26
Waiver of extradition may be required	MCL 765.6d

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BOND - CASH	MCR 6.106
Traffic and misdemeanor	MCL 780.67
Arrest w/o warrant.....	MCL 780.581
Forfeit.....	MCL 765.15
Civil	MCL 600.2631
Attachment (not subject to)	MCL 765.16
Convert to fines and costs.....	MCR 6.106(I)
Juvenile - may be kept for reimbursement; includes counseling, detention, placement, caseworker's time	MCR 5.935(C)
Civil Infraction	MCL 765.6c , MCL 257.749(6)
Attorney Fees - apply bond to People v Wesley, 148 Mich App 758	MCL 765.12 (note #11)
Cash/Surety only.....	MCL 765.6a
Citizen's criminal complaint, security for cost.....	MCR 6.101(C) , MCL 764.1
Contempt - bond in lieu of arrest.....	MCR 3.606(C)
Driver License in lieu of civil infraction	MCL 257.749
Misdemeanor	MCL 780.64
By order of court – receipt required.....	MCL 257.311a , (MC-224)
Garnishment - not subject to	MCL 765.16
Over \$10,000 - for controlled substance, money laundering or racketeering; report to IRS	
Percent	MCR 6.106(E) , MCL 780.66
Return	MCR 6.106(I) , MCL 780.66(6)
Persons prohibited from posting	MCL 780.72 , MCL 765.8
Release from obligation - surrender of defendant	MCL 765.18 , MCL 765.26
Third Party poster - return at sentencing Peo v Brow, 253 Mich 140 (1931)	
Witness required to post	MCL 765.29

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BOND – CONDITIONAL	MCR 6.106(D)
Entry in LIEN.....	MCL 765.6b
Violation, arrest, hearing and revocation.....	MCL 764.15e

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BOND - FORFEITURE

Misdemeanor/felony.....	MCR 6.106(I)(2) , MCL 765.15
Traffic and misdemeanor	MCL 780.66(7) , 780.67(8)
Civil	MCR 3.606 , MCR 8.604(H) , MCL 600.2631
Collection by Prosecutor	MCR 3.605(E) , MCR 3.606(E)
Deposit to General Fund.....	MCR 3.606(E)
3rd class district court - \$ to funding unit following fine and cost.....	MCL 600.8379(1)(b)
Enforcement - service	MCL 765.31
Military - defendant serving. If commanding officer refuses to surrender defendant, bond may not be forfeited. OAG No. 1737, 1/14/44	
Split 1/3 - 2/3 on ordinance case? Court can reinstate up to one year - needs to be able to get it back. Best deposited to one source (funding unit). Statutes are unclear.	
Timing of notice, forfeiture, judgment.....	MCR 6.106(I)(2) .
Bond distributed between 28-45 days from day forfeiture order entered.	

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BOND - INTERIM

Drunk Driving - interim bond allowed	OAG No. 6071 5/28/82
License in lieu of: Civil infraction	MCL 257.749
Misdemeanor	MCL 780.64
Misdemeanors	MCL 780.581
Form of bond issued by police	MCL 780.583
Not applicable to misdemeanors w/ penalty greater than 1 yr.....	MCL 780.582a
Name on bond - must be in name of defendant - Including on bench warrant.....	OAG No. 3625 (1961-62, p. 305)
Sureties defined.....	MCL 780.61(b)
Traffic: amount set by arresting officer up to \$100	MCL 257.728(5)
Violations not eligible	MCL 780.582a
20-hour hold for DV cases: removed 2001 PA 198, eff. 4/1/02.....	MCL 780.582a

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BOND - MATERIAL WITNESS	MCL 767.35
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Court may require recognizance with a surety.

Failure to recognize = commitment until bond posted or discharged by court.

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BOND - PEACE

Pre-criminal complaint [MCL 772.1](#)
Post judgment [MCL 769.6](#)

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BOND – PERCENT [MCR 6.106\(E\) and \(I\); MCL 780.66](#)

Pre-trial release..... [MCR 6.106](#)
Court chooses if 10% allowed..... [MCR 6.106\(E\)](#)
If % allowed, surety may be posted at 1/4 face value [MCL 765.6\(2\)](#)
If forfeited, surety liable for amount posted only..... [MCL 765.28\(1\)](#)
Traffic and Misdemeanor [MCL 780.66](#)
Must be 10% of bail but at least \$10.00
Retain 10% upon discharge
Forfeiture and judgment for bail and costs
Pay fines and costs from bond

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BOND – PERFORMANCE

Court Administration Reference Guide, Chapter 13

Assignment upon breach [MCL 600.2923](#)
Individual bond addressed [OAG No.5226 \(9/15/77\)](#)
District Court [MCR 8.204](#)
Amount set by SCAO
Clerks (blanket or individual) \$50,000
Magistrates (individual) \$50,000 - [MCR 8.205](#), [MCL 600.8507](#)
Process Servers (individual) \$10,000; \$50,000 if appointed to serve seizure or eviction
Bailiffs in D36 \$100,000 [MCL 600.8322](#)
Circuit court..... [MCL 50.61](#)
Clerk (county clerk) (individual) \$2,000
Friend of the Court (individual) \$2,000 45..... [CFR 302.19](#)
Probate Register (individual) \$1,000 [MCL 600.833](#)

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BOND - PERSONAL RECOGNIZANCE [MCR 6.106\(A\)\(2\)](#); [MCL 780.62](#)

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BOND – SURETY [MCR 3.604D](#); [MCL 600.1701](#), [MCL 600.2655](#),

[MCL 765.6](#), [MCL 780.67](#)

Bondsmen - approved list set by Circuit Court [MCL 750.167b\(4\)](#)

Cash/Surety only - [MCL 765.6a](#)

if on bail when arrested, or with 2 felony convictions within 5 years Certificate of Authority [MCL 500.121](#)

Conditional Bond - conditions noted on form; all apply to surety SCAO Form [MC241](#)

[Kondzer v Wayne County Sheriff, 219 Mich App 632](#). Surety bound by those terms and conditions to which they agree. (Must be on bond form.) Court cannot require bondsman to agree to anything more than appearance.

If 10% allowed by ct, then is 1/4 face value [MCL 765.6\(2\)](#)

Default - [MCL 765.28](#)

Show Cause [MCR 3.604\(I\)](#)

Service [MCL 765.31](#), [MCR 2.107](#)

Fee for posting - may not exceed 10% of value of bond [MCL 750.167b\(3\)](#)

Forfeiture In re Surety Bond; [People v Meadows, 208 Mich App 369](#)

[People v Person, 44 Mich App 630](#); **see also** procedure in Supreme Court AO 2007-05

Obligation terminated at sentencing [Peo v. Brow, 142 Mich 140](#)

Prohibited to post [MCL 765.8](#)

Refusal to accept by court, power of attorney requirements OAG No. 3139, 7/12/58

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CERTIFIED RECORD STAMP - sample
STATE OF MICHIGAN)

) SS

COUNTY OF _____)

I, _____, Clerk of the _____ Judicial District Court of the State of Michigan,

County of _____, do hereby certify that the foregoing is a true copy of a record now remaining

in the office of the Clerk of said Court. In testimony whereof, I have hereunto set my hand, and affixed

the seal of said Court, at the

City of _____, this _____ day of _____, A.D. 20____

By _____, Clerk

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Head notes: At the request of a party, and not on a judge’s own initiative, a judge may state on the record a preliminary evaluation of the length of sentence that, on the basis of the information available, appears to be appropriate for the charged offense. To avoid the potential for coercion, the judge may not state or imply alternative sentencing possibilities on the basis of future procedural choices.

Such an evaluation does not bind the judge’s sentencing discretion, however, and a defendant who pleads guilty or nolo contendere in reliance on an evaluation may withdraw the plea if the judge later determines that the appropriate sentence must exceed the preliminary evaluation. A decision not to sentence in conformity with a preliminary evaluation is not automatically a basis for recusal.

A defendant who pleads guilty or nolo contendere with knowledge of the sentence and who later seeks appellate sentence relief must expect to be denied relief on the ground that the plea demonstrates the defendant’s agreement that the sentence is proportionate to the offense and offender.

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designed to punish offenses against the court. However, if the action is a violation of probation, then court must follow .. [MCR 6.445](#)
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*Statute does not provide for eligibility of deferred judgment if the violation is charged under local ordinance

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Hearing de novo - Generally, a new hearing or a hearing for the second time, contemplating an entire trial in same manner in which matter was originally heard and a review of previous hearing. On hearing “de novo,” court hears matter as court of original and not appellate jurisdiction. Collier & Wallis v. Astor, 9 Cal 2d 202, 70 P 2d 171,173.

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Fee
 Probate [MCL 600.880b\(2\)](#)
 District..... [MCL 600.8306\(4\)](#), [MCL 600.8420](#), [MCL 600.5757](#)
 Circuit [MCL 600.2529\(1\)\(h\)](#)
Out of State Case - deposition on [MCR 2.305\(E\)](#), [MCL 600.1852](#)
Not permitted on small claims and civil infractions..... [MCR 2.302\(A\)\(3\)](#)

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DISCRETION, ABUSE OF

Spaulding v. Spaulding, 355 Mich 382, 384-385 (1959)

“ . . .Where, as here, the exercise of discretion turns upon a factual determination made by the trier of the facts, an abuse of discretion involves far more than a difference in judicial opinion between the trial and appellate courts. The term discretion itself involves the idea of choice, of an exercise of the will, of a determination made between competing considerations. In order to have an “abuse” in reaching such determination, the result must be so palpably and grossly violative of fact and logic that it evidences not the exercise of will but perversity of will, not the exercise of judgment but defiance thereof, not the exercise of reason but rather of passion or bias. . . ”

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DISMISSAL WITH COSTS

[Judicial Ethics Opinion JI-117](#), 1/9/98

[OAG No. 6995](#), 9/16/98

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DISQUALIFICATIONS [MCR 2.003](#)
Probate [MCL 600.838](#)
Jurors..... [MCR 2.511\(D\)](#)

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DISTRICT COURT..... [MCL 600.8101 et. seq.](#)
Appointment of attorney [MCL 600.8317](#)

Building Fund [OAG No. 5890](#), 4/30/81

Clerk of the Court requirement.....	MCL 600.8281
Courts of Record.....	MCL 600.8101 , MCL 600.8181 , MCL 600.8331 , MCR 4.201(E)
Powers.....	MCL 600.1455
Not including Small Claims	MCL 600.5809(3)
Definition of 1st, 2nd, 3rd class courts	MCL 600.8103
Jurisdiction:	
Civil -	MCL 600.8301
Criminal -	MCL 600.8311
Concurrent jurisdiction with Circuit Court.....	MCL 600.8302
Confined to the powers conferred upon them and their proceedings must appear within those powers. Clark v Holmes 1 Doug. 390 (Supreme Court 1844)	
Limitations governed by statute respectively applicable to the courts	MCL 600.6502
LT/Land Contract judgments over \$25,000: Bruwer v Oaks, 218 Mich App 392	
Nuisance abatement under Revised Judicature Act, Chapter 88	MCL 600.8302
Statutes applicable to municipal courts, common pleas courts, justices of the peace, etc. refer to powers or proceedings in district court for civil matters	MCL 600.6502
Justices of the peace abolished.....	MCL 600.9921 ,
Transfer of records.....	MCL 600.9924
Multi-district funding.....	MCL 124.531 - MCL 124.536
Place of holding court	MCL 600.8251 , MCL 600.8101(2)
Probation Department authority	MCL 600.8314
Records Retention, civil	MCL 600.8344
Reports to SCAO	MCL 600.8181
Traffic Bureau authority.....	MCL 600.8391
Venue	MCL 600.8312
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DOG LAW

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See also Dangerous Animals Act	MCL 287.322
District Court Magistrate Authority	MCL 287.286a
Forms.....	SCAO Form DC118 (Complaint & Summons), SCAO Form DC119 (Order)

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DRUG CONVICTIONS

Drug Case Information Management Fund..... [MCL 257.323d](#)
to defray costs of complying w/requirements for timely case management, and reporting to SOS
Report to
1. SOS- at sentence - driver surrenders license if suspended..... [MCL 333.7408a](#)
2. Department of Labor & Economic Growth on their form (note: form has never been developed)..... [MCL 769.16a](#)
See also [MCL 769.1\(11\)](#), [MCL 771.14](#)

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DRUNK DRIVING AUDIT REPORT[MCL 257.625i](#)

Annual MSP Report aka “Judges. Audit”
Compiled by SOS from alcohol offense abstracts sent by courts. Published by MSP - Office of Highway Safety Planning. Statistics reported by assigned judge.

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EMERGENCY RESPONSE [MCL 769.1f](#)

Police, fire, emergency, medical service personnel
Prosecution personnel
Reimbursement to unit of government, i.e., funding unit
Condition of probation

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EMPLOYMENT CONFLICTS

Township trustee and employee of third class district court incompatible. [OAG No. 6859](#), 7/18/95.
Appointment of friend of the court by circuit judge. [OAG No. 6855](#), 6/14/95.
Magistrate may not also be county district ambulance supervisor. [OAG No. 5757](#), 8/20/80.

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ENGLISH REQUIREMENT

All writs, process, proceedings and records in any court within the state shall be in English, made out on paper, in a fair, legible character, in words not abbreviated. [MCL 600.1427](#)
Pleadings must be legibly printed in the English language in 12 point.....[MCR 2.113\(B\)](#)

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ESCHEAT

5-year requirement..... [MCL 567.226](#)
 uncashed checks
1-year option [MCL 567.234](#)
 unclaimed property
[Manual for Reporting Unclaimed Property](#)
Filing deadline..... [MCL 567.238\(4\)](#)
 before 11/1/xx for ea. 12-mo. period ending the preceding 6/30
Notice of Intent..... SCAO Form [MC25](#)
 required 60-365 days of escheat date [MCL 567.238\(5\)](#)
Redemption from state by owner [MCL 567.241](#)
 court may pay and be reimbursed by state

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EVICTON, ORDER OF [MCL 600.5744](#), [MCR 4.201](#), [MCR 4.202](#)
(Formerly Writ of Restitution in court rule. Remains Writ of Restitution in statute)
Fee \$15..... [MCL 600.5757](#)
Objection to fees [MCR 4.201\(O\)](#)
Cannot issue before 10 days after judgment..... [MCL 600.5744\(4\)](#)
Must be delivered within 7 days of when filed [MCR 4.201\(L\)\(2\)](#)
Exception to 10 days..... [MCR 4.201\(L\)\(3\)](#)
Seizure of Property - court officer procedures..... [MCR 3.106](#)
 Writ commands a person to do the eviction, who must certify on return that he/she did the eviction (not someone else)

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EXHIBITS [MCR 2.516](#), [MCR 2.306\(E\)](#), [MCR 2.316](#), [MCR 7.101\(F\)\(3\)](#), [MCR 7.210\(H\)](#)
Transmission of to Circuit Court on appeal SCAO Form [MC57](#)

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EXPUNGEMENT

See also Conviction, Set Aside
Traffic records reportable to SOS may not be expunged [MCL 257.732\(21\)](#)

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EXTRADITION

Case type code - "EX"	MCR 8.117
Charge code (not official PACC code) - for fugitive from justice	MCL 780.12
(Per Bill Bond at PAAC/PAAM)	
Hearing before a judge of a court of record.....	MCL 780.9
Hold in jail no more than 30 days.....	MCL 780.14
Out of Michigan:	
Handling of a person in jail or prison serving sentence	MCL 780.601 , MCL 776.7 – MCL 776.10 :
Warrant as fugitive may be issued by same or other court or magistrate	MCL 776.9
Examination and bond pending Governor's warrant.....	MCL 776.10
Written waiver may be required on bond	MCL 765.6d
FAX (Facsimile)	MCR 2.406
Complaint and warrant.....	MCL 764.1(3)
Oath considered administered	MCL 600.1440
SCAO Administrative Memo 2003-13	
Search warrant.....	MCL 780.61

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FEES

20% Late Fee.....	MCL 600.4803
Appeal cost from district or municipal court payable to that court- \$25	MCL 600.6536
Assessment w/o authority	
Civil Case.....	MCL 600.2513
Penalty	MCL 600.2519
Must be authorized by statute: Fletcher v Kalkaska Judge, 81 Mich 186, 194 (1890)	
In re Fees of Court Officer, 222 Mich 234, 242 (1997)	
Criminal Case	MCL 775.10
Attorney fees, civil.....	MCL 600.2441 , MCL 600.5759 , MCR 3.206
Municipal courts	MCL 117.28b , MCL 730.524
Bond fee, collected by law enforcement - \$10	MCL 765.12a
Booking fee - \$12 (eff. 10/1/03).....	MCL 801.4b
Building Fund, for 3rd class district courts OAG No. 5890 , 4/30/81	
Certified copy	MCL 600.2546
Civil filing fees	
Circuit	MCL 600.2529
District	

General Civil, etc.	
Small Claims	MCL 600.8420
Summary Proceedings.....	MCL 600.5756
Probate	MCL 600.880b , MCL 600.1027
County must pay when instituting civil case OAG No. 3048, 10/18/1957	
Collections - pay to county treasurer.....	MCL 600.4841
Copies See also Copies	
Certified.....	MCL 600.2546
Certain state agencies don't have to pay (SOS, AG, OAG, Treasury)	MCL 600.2507
Crime Victim Rights (one per case)	MCL 780.905(2)
Criminal Procedure	MCL 775.1 et. seq.
Attorney.....	MCL 775.16
Reimbursement.....	MCL 771.3(4) , MCL 12.133 , MCL 600.4801(a) , MCR 6.005(C)
Interpreter	MCL 775.19 , MCR 2.507
Motions prohibited.....	MCR 2.119(G)
Subpoena when defendant indigent.....	MCL 775.15
Witness	MCL 775.13
Expert	MCL 775.13a
Default, civil infraction Add as cost, see	MCL 257.729 , MCL 257.907(4)
DNA sample (fee repealed 10/1/03).....	MCL 28.176 , MCL 712A.18k , MCL 750.520m
DNR Fish & Game	MCL 324.1609 , MCL 324.40119 , MCL 324.48740
Driver Responsibility Fee collected by Treasury (eff. 10/1/03)	MCL 257.732a
Excessive amount prohibited	MCL 600.2513 , MCL 600.2519
by process server	MCL 600.2559(6)
FAX filing.....	MCR 2.406D
Up to \$3/pg. in \$1 increments Administrative Memo 2003-13	
Forensic laboratory (fee repealed 10/1/03)	MCL 12.206
May be waived if def. unable to pay	MCL 12.206(3)
Frivolous action.....	MCL 600.2591 , MCL 600.2421 , MCR 2.625(A)(2)
Highway Safety Fund (11/29/87-10/1/03)	MCL 257.629e
In lieu of Community Service - not addressed in statute. Community Service allowed as condition of probation.	MCL 771.3
Jail booking fee, paid to jail - \$12 (eff. 10/1/03).....	MCL 801.4b
Fail to Pay = State Civil Infraction	
Jail Reimbursement Fund (12/28/01-10/1/03).....	MCL 257.629e
Judge's retirement (repealed 3/31/92)	MCL 600.2530a
Judgment fee (civil) (repealed).....	MCL 600.2529
Judicial System Assessment	

Michigan Vehicle Code	MCL 257.907(14)
Municipal Civil Infractions	MCL 600.8727(4)
State Civil Infractions	MCL 600.8827(4)
Juror - \$12.50/\$25 per day + mileage of \$.10 per mile.....	MCL 600.1344
Limitations Court Administration Reference Guide 6-01-01	MCL 600.2513 , MCL 600.2516
Penalty	MCL 600.2519
Marriage fee:	
District Court - \$10.....	MCL 600.8316
Probate - \$10.....	MCL 600.874
Mediation Fee \$75	MCL 600.4957
Michigan Justice Training (Effective 3/29/1985 through 10/1/03).....	MCL 257.907(14)
Motion fee	MCL 600.8371(10) , MCR 2.119
NSF fee.....	MCR 8.106(E)
Probation oversight	MCL 771.3c , MCL 712A.18(3)
OAG No. 6658 , 8/27/90 - Fee NOT applicable to delayed sentence, HYTA, or probationers or parolees in Michigan under interstate compact from other states.	
Process Server	SCAO Process Service Fee Chart
Mileage from court to place of service	MCL 600.2555
SCAO Mileage Chart	MCL 600.2555 , MCL 600.2559(4)
Secondary Road Patrol (12/16/1991-10/1/03).....	MCL 257.629e
Subpoena for discovery, judgment debtor - \$15	MCL 600.2529(1)(h) , MCL 600.8306(4)
Transcript.....	MCL 600.2543
District Court	MCL 600.8631
Waiver of filing fees, indigency; cost of service and publication, civil cases	MCR 2.002 , SCAO Form MC20
Witness	MCL 600.2552
Writs.....	MCL 600.5757 , MCL 600.8306(4) , MCL 600.8420(2)

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FEES - UNAUTHORIZED, EXCESSIVE OR IMPROPER

By probate judge and staff	MCL 600.879
Judicial Officer not to receive unless provided by law	MCL 600.1422
Collect only fees allowed by law	MCL 600.2501
Excessive fees prohibited	MCL 600.2513
Collecting for services not rendered.....	MCL 600.2516
Violation of fee statute a misdemeanor	MCL 600.2519
Liable for refusal to provide receipt when requested.....	MCL 600.2525
Willful neglect of duty by public officer	MCL 750.478

Public Official fails to uphold or enforce law resulting in person’s legal rights denied	MCL 752.11
Officer fail to pay over fine, penalty, forfeiture or recognizance, penalty	MCL 750.482
Retention of fees by state off/employee on salary, penalty	MCL 750.488
False statement of public finances, penalty	MCL 750.489
Accounting for public money by county/municipal officers	MCL 750.490
Prohibition other than allowed on civil cases applies to criminal	MCL 775.10

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FEES - WAIVER	MCR 2.002
Civil	MCR 2.002
Copy fees (SOS, AG, OAG, Treasurer)	MCL 600.2507
Forensic fee if defendant unable to pay	MCL 12.206(3)
In lieu of community service - Not addressed in statute; community service is allowed as condition of probation.....	MCL 771.3

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FELONY - DEFINITION	MCL 750.7
“An offense for which the offender, on conviction, may be punished by death or imprisonment in state prison.”	
Offense punishable by death/imprisonment more than 1 yr.	MCL 761.1
Contrast w/ misdemeanor - when not a felony, and punishable by fine, penalty or forfeiture, and/or imprisonment	MCL 750.8

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FELONY COSTS - REIMBURSEMENT	MCL 800.452
Inmate committed felonies - jury, witness, and attorney and transcript fees	

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FELONY - Bind Over - JURISDICTION

Conditional bond, jurisdiction after bind over Peo. V Goecke, 457 Mich 422, 459

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FILING FEES - CIVIL

District Court	
GC/GZ	MCL 600.8371
SC	MCL 600.8420
LT/SP.....	MCL 600.5756
SC to GC for more money - pay difference	MCL 600.8425(2)

Jury demand	MCL 600.8371
Circuit Court	MCL 600.2529
Counter-complaints - no authority to collect, even if counter-claim is for more	
Execution, attachment, garnishment	MCL 600.8306 , MCL 600.8420 , MCL 600.5757
Municipal Courts	MCL 730.528
up to \$600 \$5.50	
over \$600 \$11.00	
Waiver	
Can't be denied w/o evidentiary hearing. Hadley v Ramah, 134 Mich App 380 (1984)	

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FINANCIAL RESPONSIBILITY

Nonpayment of judgment - suspend driving privileges	MCL 257.511 , MCL 257.512
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FINE & COST

Allocation; 3rd class district courts	MCL 769.1k
Civil fine – not a crime	MCR 8.201
Collection	MCR 1.110 (at time of assessment), MCL 600.4801
Cost and fine assessed only when expressly authorized by statute. <i>Peo v Watts</i> , 133 Mich App 80, 84. <i>Peo v Krieger</i> , 202 Mich App 245, 247.	
Cost w/o fine prohibited, <i>Peo v Watts</i> , 133 Mich App 80, <i>Peo v Tims</i> , 127 Mich App 564	MCL 257.907
Cost w/o fine prohibited on provisional sentence	MCL 769.3
Cost to compel appearance	MCL 257.729 , MCL 600.8735 , MCL 600.8835
Cost must bear some direct relation to actual costs incurred in criminal prosecution, <i>Peo v Barber</i> , 14 Mich App 395 (1968); cannot include costs of daily operation of court or other governmental unit, and cannot be simply a percentage of the fine cost Library Board v Dist. Judges, 118 Mich App 379 (1982)	
Condition of Probation	
Limited to expense of prosecution and legal defense	MCL 771.3(5)
May not include maintenance and functioning expenditures of govt. agencies required to be borne by the public irrespective of specific violations of law, <i>Peo v Teasdale</i> , 335 Mich 1 (1952)	
Cost as condition of reducing or dismissing charges not allowed: OAG No. 6995 , 9/16/98.	
Community service supervision	MCL 257.625(14)
Credit Cards	MCL 129.224
Dismissals; no cost or fine w/o conviction	MCL 769.3 , MCL 257.907
Distribution monthly	MCL 600.4841

Fine established by statute or ordinance.	
Municipal Civil Infraction maximum \$500	
Religious Meetings, disturbances, max \$25, to township library	
Fine increased after trial not allowed, when fine is predetermined by published schedule, People v Courts, 401 Mich 57 (1977), People v Bogedain, 185 Mich App 349 (1990)	
Fines to library	MCL 600.8379 , MCL 600.4845 , MCL 257.909 , MCL 600.8831
Michigan Constitution, Article 8, § 9	
OAG No. 7018 , 5/14/99; “The determination of whether a particular monetary exaction constitutes a penal fine is subject to judicial scrutiny.”	
Collection Priority	MCL 775.22 , MCL 780.766a
Dismissals	
Frivolous or malicious complaint; cost of prosecution allowed	MCL 772.7
Jail cost - condition of probation.....	MCL 801.83(2)
Judicial System Assessment	
Traffic civil infraction \$40 if fines and costs exceed \$10	MCL 257.907
State and municipal civil infractions \$10	MCL 600.8727(4) , MCL 600.8827(4)
Not assessed on parking violations.....	MCL 257.907
Municipal Civil Infraction Cost.....	MCL 600.8727 (MCL 600.8379)
Fine Max \$500, established by offense in applicable ordinance	
Ordinance split 1/3-2/3.....	MCL 600.8379
Recommended Range for traffic civil infractions	MCL 257.907(8) , See the Chart
Schedule of fines & costs - court may not individualize punishment; Peo v Courts, 401 Mich 57 (1977)	
Security for cost when complaint filed by private citizen	MCL 764.1(1) , MCR 6.101(C)
State Cost, State Court Fund.....	MCL 600.8381
Minimum State cost	MCL 769.1j , MCL 600.8381 , MCL 712A.18 , MCL 712A.18m
Serious and Specified Misdemeanor \$45 Increased to \$53 4/1/09	
Other misdemeanors \$40 Increased to \$48 4/1/09	
Felony \$60 Increased to \$68 4/1/09	
Condition of probation and parole	MCL 712A.18 , MCL 771.3(1)(g) , MCL 791.236(8)
Remittance - only pursuant to	MCL 771.3(6)(b)
Unpaid; collection.....	MCR 3.605E , MCR 3.606E , MCL 257.907(10, 11) , MCL 257.321a , MCL 600.4831
Vehicle Code	
Civil Infraction	MCL 257.907
Misdemeanor	MCL 257.901
Felony	MCL 257.902
Waiver of Civil Infraction’s - covers no proof of registration, defective equipment, child restraint, no proof of insurance.....	
Tinted windows as defective equipment Peo v Pitts, 222 Mich App 260	

Court Case Summaries:

People v Tims, 127 Mich App 564 (1983) - Where trial court did not impose fine upon defendant for his conviction of attempted entering or breaking into motor vehicle, order requiring defendant to pay court costs of \$1,000 or spend additional six months in jail was not authorized by this section and was invalid, especially as it did not express time limit within which money was required to be paid.

People v Watts, 133 Mich App 80 (1984) - Courts may only require convicted defendant to pay costs where such requirement is expressly authorized by statute. Since defendant was not fined, assessment of costs provision of conditional sentence statute ([MCL 769.3](#)) were inapplicable and, similarly, since defendant was not placed on probation, assessment of costs provisions of probation statute ([MCL 771.3](#)) were also inapplicable.

AG Opinion Summary:

[OAG No. 6995](#) (1998) - A prosecutor is not authorized by law to require a criminal defendant to pay costs as a condition for reducing or dismissing criminal charges pending against the defendant. A court may, however, when sentencing a convicted defendant, impose such costs as are permitted by statute, including those permissible costs agreed to between the prosecutor and the defendant as part of a plea bargain.

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FINGERPRINTS [MCL 28.243](#)
SCAO Administrative Memo ADM 2002-01
Examine file [MCL 764.29](#)
No sentencing w/o prints..... [MCL 769.1\(2\)](#)
Ordinance - send disposition to law enforcement; also send to MSP [MCL 28.243\(2\)](#)
Required on crimes that have maximum penalty of 93 days or greater [MCL 769.16a](#)

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FLAGS..... [MCR 8.115](#)
U.S. and Michigan flags must be displayed in conspicuous place adjacent to bench when court is in session.

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FOIA
Court Administration Reference Guide Section 8-03, Item D
Judiciary is not included in definition of “public body” [MCL 15.232\(d\)\(v\)](#)

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FOREIGN JUDGMENTS
Attachment..... [MCR 3.103\(B\)](#)

Filing in this state	MCL 691.1173 - MCL 691.1179 , SCAO Form MC62
Garnishment before judgment.....	MCR 3.102(3)
Judgment must be certified	MCL 600.2103
Pleadings	MCR 2.112(G)

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FORENSIC EVALUATION

See also Competency Hearing

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FORENSIC FEE

Repealed 10/1/03

Fees ordered at sentencing prior to 10/1/03 shall be collected and disbursed according to old law. Portion to State to be transmitted with minimum State costs. [MCL 12.206](#)

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FORFEITURE/SEIZURE OF PROPERTY

Drug cases (circuit court jurisdiction) [MCL 333.7521](#)- [MCL 333.7525](#)

Other cases..... [MCL 600.4701](#)- [MCL 600.4709](#)

District court has jurisdiction for property up to value of \$10,000

Municipal courts cannot handle - goes to circuit court

District Court SCAO Forms DC40 through DC47

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FORMS

See also Case File Management Standards Component 32

Garnishment [MCR 3.101\(C\)](#)

Juror Questionnaire [MCR 2.510\(A\)](#)

Probate - only forms approved by SC or SCAO may be used [MCL 600.855](#)

Pleadings [MCR 2.113](#)

Provide, at cost of reproduction [MCR 8.110\(7\)](#)

Required to provide - small claims, landlord/tenant [MCL 600.8403](#), [MCR 4.201](#), [MCR 4.302](#)

also CFMS Component 32

Small Claims [MCR 4.302](#)

in substantially the form approved by SCAO. Available at clerk's office

Subpoena.....	MCR 2.506(D)
Summons.....	MCR 2.002
Uniform Law Citation	
Appearance Ticket.....	MCL 764.9f
Traffic Ticket.....	MCL 257.727c , MCL 257.728
Municipal Civil Infraction.....	MCL 600.8705
State Civil Infraction.....	MCL 600.8805
Motor Carrier Act.....	MCL 480.17(2)
Juveniles.....	MCR 5.931(C)

FREEDOM OF INFORMATION ACT

See also FOIA

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FUGITIVE FROM JUSTICE	MCL 780.9
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See also Extradition

Use “EX” case type code

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FUNDING DISPUTES

Supreme Court [AO 1994-6](#) (Page 41)

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FUNDS

Accounting for.....	MCL 750.485
For public buildings/improvements.....	MCL 141.261
Refusing to pay over.....	MCL 750.482
Reimbursement of missing.....	MCL 600.1465
Safekeeping.....	MCL 750.490

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FUNDS, MISSING

Method of reimbursement.....	MCL 600.1465
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GARNISHMENT	MCL 600.4011 et. seq., MCR 3.101
Bond posted not subject to garnishment.....	MCL 765.16
Cannot be issued until appeal period is over (21 days on money judgment)	MCR 7.101(B)
10 days for SP cases	MCR 4.202(L)
Criminal - may collect penalty, fee or costs, where omission is not a misdemeanor, in same manner as a civil judgment.....	MCL 600.4805
Disclosure fees:	
\$1 for non-periodic.....	MCL 600.4011
\$6 for periodic.....	MCL 600.4012
\$6 for State of Michigan.....	MCL 600.4061(3)(b)
Income Tax (state) good for 1 year (11/1 - 10/31); no deadline to file.....	MCL 600.4061a , MCL 205.30a
Installment payment order limits garnishment regarding wages	MCL 600.6245
Probation (wage assignment)	MCL 771.3(2)(f)
Prohibited in small claims if judgment includes order for installment payments and order has not been set aside	MCL 600.8410(2) , MCR 4.305(C)
Small claims fee.....	MCL 600.8420
SSN required?	MCR 3.101(E)(1)
Stay on all proceedings to enforce judgment for 21 days	MCR 2.614

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GRAND JURY	MCL 767.3 , et. seq.
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HIV TESTING	MCL 333.5129
DNA Profile (doesn.t apply to juveniles unless waived to adult court).....	MCL 750.520m , SCAO Form MC234
Order for counseling and disease/infection testing and DNA profile to be ordered at arraignment or bind over for specified offenses.....	SCAO Form MC234
Petition/Hearing/Order - request by employer on behalf of employee.....	MCL 333.5204 , MCL 333.5205 , SCAO Forms MC72 , MC73 , MC74

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HYTA	MCL 762.11
Defendant must be between ages 17-20	
File becomes non-public upon placement under this status	
Must be a “criminal offense”: misdemeanor or felony, no statutory reference to local ordinance.....	MCL 750.5 - MCL 750.9

Not eligible if offense has maximum penalty of life, if traffic offense, if major controlled substance offense, or if sex-offender registration is required.

Traffic: Vehicle code or substantially corresponding local ordinance

Major controlled substance[MCL 333.7401\(2\)\(a\)](#), [MCL 333.7403\(a\)\(i\)-\(iv\)](#)

Definition [MCL 761.2](#)

Not limited to one offense [Peo v. Giovannini, 271 Mich App 409](#) (2006) - leave to appeal denied

Plea of guilty is required

Sex offender registry - name cannot be removed even if case is eventually dismissed.

HYTA status is without entry of judgment

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HOURS OF COURT[MCR 8.105](#), [MCR 8.110\(F\)\(1\)](#)

Holidays & Saturdays [MCL 435.101](#)

Sundays

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HUNT, FISH, TRAP

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IMMIGRATION NOTIFICATION UPON CONVICTION

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District Court Probation Officer Manual Section 7-01(H)

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MJI Benchbook for Circuit Judges Chapter 4, Section 4.29

MJI Criminal Procedures Monograph 6

Installment Payment Order [MCL 600.6201](#) et seq,

..... [MCR 3.101\(N\)](#), [MCR 3.104](#)

Between filing of petition and entry of order a garnishment may be issued only on written order of judge [MCL 600.6205\(4\)](#)

Only limits garnishments as to wages

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Michigan Court Administration Reference Guide Section 6

Calculated from date original complaint filed [Ayar v Foodland Distributors, 472 Mich 713](#) (2005)

Example of how interest is compounded [Niggeling v DOT, 95 Mich App 163](#) (1992) - payment to be applied first to interest and balance on principal

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INTERPRETERS	MCL 775.19 , MCL 775.19a , MCR 2.507(D) , MRE 604
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Discovery [Peo v. Pruitt, 229 Mich App 82](#) (1998)

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Criminal.....	MCR 6.427
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Traffic Civil Infraction's.....	MCR 4.101(F)
Collection against Judgment.....	MCL 600.6101
Endorsed with date filed, kept in file.....	MCR 8.119(C) , MCR 8.119(D)(1)(d)
Foreign Judgments	MCL 691.1174(4) - MCL 691.1179
Must be in writing, signed and dated. Date of signing is the date of entry.	MCR 2.602(A)
Renewal of Judgment	MCL 600.2903 , MCL 600.5809(3)
By ex parte motion VanReken v Darden, 259 Mich App 454 (2003)	
Recovery of penalty or forfeiture - 2 yr limitation.....	MCL 600.5809(2)
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District.....	MCL 168.467
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(courts of limited jurisdiction)	
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Municipality (city or village) extends ½ mile lakeward.....	MCL 780.51
Limits - governed by the statutes respectively applicable to the courts.....	MCL 600.6502
Personal jurisdiction over individuals	MCL 600.701
Concurrent jurisdiction	MCL 600.401 et seq
Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, Wayne	MCL 600.405 – MCL 600.408
Arenac, Kalkaska, Crawford, Lake, Iron, Ontonagon, Alcona, Baraga, Benzie, Missaukee, Montmorency, Oscoda, Presque Isle; Probate Judge Jurisdiction	MCL 600.810a

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JUROR AND JURY ISSUES.....	MCL 600.1301 et seq, MCR 2.510 , MCR 6.410
Fees:	MCL 600.1344
First day: \$12.50 half day, \$25.00 full day (eff. 10/1/03)	
2nd & subsequent: \$20.00 half day, \$40.00 full day	
District pays same as Circuit.....	MCL 600.8351
Juror Instructions:	
Criminal & Civil jury instructions published by ICLE	
Civil model instructions on Supreme Court home page	
Mileage: \$.10/mile or as set by county board.....	MCL 600.1344
Selection from driver license or identification card file	MCL 600.1310 , MCL 600.1375
Jury not allowed on civil infraction, Peo v Schomaker, 116 Mich App 507	MCL 257.747(4)
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Questionnaires:	
Model LAOs:	
Access: Supreme Court AO 1987-1 (Page 26)	

Peo v Mitchell, 233 Mich App 604

Release of names and addresses of seated jury: In re [Juror Names, 233 Mich App 604](#)

Removal, Transfer of Case [MCR 2.227\(B\)\(3\)](#)

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JUVENILES

Civil Infractions:

Traffic - District Court

[MCL 257.741](#), [MCL 600.8312](#)

Municipal & State - Family unless agreement to waive between Family and District Courts

[MCL 712A.2e](#)

Transfer criminal charge to Family Division

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LABOR & ECONOMIC GROWTH, Dept. of

Reporting drug convictions (1993 PA 85, eff. 4/1/94)..... [MCL 769.1\(11\)](#), [MCL 769.16a](#), [MCL 771.14](#) (PSI)

Department of Commerce (Now Labor & Economic Growth) to design form [MCL 769.16a\(5\)](#)

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LANDLORD TENANT [MCR 4.201](#), [MCL 554.601 et seq](#)

Hearing within 10 days..... [MCL 600.5735](#)

Service - by mail and one other method as listed [MCR 4.201\(D\)](#)

Summary Proceedings..... [MCL 600.5701](#) et seq

Truth in Renting Act [MCL 554.631](#) et seq

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LAW ENFORCEMENT

Training Oversight

MLEOTC (Michigan Law Enforcement Office Training Consortium) replaced in statute by:

MCOLES (Michigan Commission on Law Enforcement Standards) [MCL 28.601](#)

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LEGAL ADVICE

Dressel v Ameribank, 468 Mich 557

“A person engages in the practice of law when he counsels or assists another in matters that require the use of legal discretion or profound legal knowledge. The completion of a standard legal form does not constitute the practice of law, and the assessment of a fee for preparation of the form is immaterial. Thus, a lender that charges a fee for the completion of standard mortgage documents

is not engaged in the unauthorized practice of law. Justice Weaver, concurring, stated that filling out standardized mortgage documents does not constitute the practice of law, and that the definition of “the practice of law” is not clarified by the majority and should be left to judges to analyze on a case-specific basis as has been done in the past.”

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LEGAL TENDER

[USC 31 § 5103](#): “United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts, public charges, taxes, and dues. Foreign gold or silver coins are not legal tender for debts.” [MCL 21.153](#)

“No receiving officer shall be required to receive in payment of any debt, taxes or other obligation collectible or receivable by him any tender other than gold or silver coin of the United States, United States treasury notes, gold certificates, silver certificates or Federal Reserve bank notes.”

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LEIN (Law Enforcement Information Network)..... [MCL 28.161](#)

FOC not a criminal justice agency - LEIN access available only to FOC personnel deputized by the county sheriff.

[OAG No. 6470](#), 10/1/87. **See also**..... [MCL 28.214\(2\)](#)

Information obtained via LEIN - criminal sanctions [MCL 28.214](#)

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LICENSE, DRIVER

As bond:

Civil Infraction - driver may post bond and get license back [MCL 257.749](#)

Misdemeanor - the court may require and give receipt which serves as substitute [MCL 780.64](#); [MCL 257.311a](#),
SCAO Form [MC224](#)

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LIENS

False liens filed against individual w/intent to harass or intimidate prohibited [MCL 600.2907a](#)

Fraudulent financing statement filed w/SOS [MCL 440.9501](#)

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MAGISTRATE, DISTRICT COURT [MCR 4.401](#), [MCL 600.8501](#)- [MCL 600.8551](#)

Appeal from w/in 7 days, de novo [MCR 4.401](#); [MCL 600.8515](#)

Approval by Board of Commissioners required.....	MCL 600.8501
Also USA v Scott Michael Neering and Tara Ashley Neering, US District Court, Eastern District, Northern Division, Judge David M. Lawson	
Authority to:	
Administer oaths & affirmations.....	MCL 600.8317
Small Claims if attorney.....	MCL 600.8427 , MCL 600.8514
Perform marriages.....	MCL 600.8316 , MCL 551.7(1)(b)
Assess costs.....	MCL 600.8375
Appoint attorney.....	MCL 600.8513
Dog Law; summons to show cause (GZ civil case).....	MCL 287.286a
Set bail.....	MCL 765.1 , MCL 600.8511(e)
Bond required.....	MCR 8.204
Conflict of Interest:	
Cannot also be deputy sheriff Peo. v Payne, 424 Mich 475	
Definition of “magistrate”.....	MCL 761.1(f) , MCR 6.903(J)
Immunity.....	MCL 600.8513(3)
LAOs: 03A & 03B, Multi-district 07	
Maintain docket of activity repealed 11-99; former.....	MCR 8.205
May be a clerk or deputy clerk.....	MCL 600.8503 , MCL 600.8545
Marriage records required.....	MCL 551.104
Multiple-district plan.....	MCL 600.8320
PPO violations - set bond.....	MCL 764.15b , MCL 600.8511(e)
Practice of law - allows, but Judicial Ethics Opinion JI-77 prohibits except for part time attorney magistrate.....	MCL 600.8525

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MAIL LOG

Court Administration Reference Guide Section 6-05 F3f
SCAO has a sample form

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MARRIAGES	MCR 8.119(D)(4)
Log.....	MCL 551.7(3) , MCL 551.104
Persons authorized.....	MCL 551.7
District Court - \$10 fee.....	MCL 600.8316
Probate Court - \$10 fee.....	MCL 600.874
County Clerk.....	MCL 551.7

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MEDIA

In Courtroom, Michigan Supreme Court [AO 1989-1](#) (Page 27)

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MEDIATION	MCR 4.111
Failure to submit documents, etc.; penalty	MCL 600.4959
Fee \$75.....	MCL 600.4957
Required for all tort claims over \$10,000 except medical malpractice	MCL 600.4951

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MICHIGAN STATE GOVERNMENT

[Administrative Rules for State Agencies](#)

[All State Agencies Address and Phone Directory](#)

[Governor’s Executive Orders](#)

[MSP Legal Updates](#)

[Traffic Services Field Updates](#). Note: The Index for these updates is at the end of the file.

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MICHIGAN VEHICLE CODE	MCL 257.1 - 257.923 (1949 PA 300)
Adoption of MVC as ordinance by charter county prohibited: OAG No. 6876 , 11/1/95	
Moving violation defined: OAG No. 6481 , 12/9/87	

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MILEAGE, SCAO

Mileage Chart

Judges:

Premium rate within their circuit/district because they do not have access to the state motor pool; Department of Management and Budget.

Jurors..... [MCL 600.1344](#), [MCL 600.8351](#)

\$.10/mile or as set by the county board of commissioners

Process Servers..... [MCL 600.2555](#), [MCL 600.2559\(4\)](#)

1½ times the premium rate; maximum 75 miles round trip

Witnesses

Civil - premium rate [MCL 600.2552](#)
 Criminal - \$.10/mile..... [MCL 775.13](#)

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MILITARY STATUS

Non-military affidavit required in civil cases before entry of default..... [MCR 2.603\(C\)](#)
 Privilege from arrest and imprisonment, including execution of property; stay of all pending proceedings..... [MCL 32.517](#)
 Requirement for non-military affidavit in traffic cases repealed in 1997 [MCR 4.101\(B\)\(3\)\(a\)](#)
[Service Members Civil Relief Act 50a USC Appendix 521](#)

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MISTAKES, CLERICAL [MCR 6.435](#)

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MOTION FEES [MCL 600.2529\(1\)\(E\)](#); [MCR 2.119\(G\)](#) **SCAO Chart**
 Apply to district court for cases \$0-10k [MCL 600.8371\(10\)](#)
 May not be charged in criminal case..... [MCR 2.119\(G\)\(3\)\(a\)](#)
see also other exceptions SCAO Chart

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MOVING VIOLATION

Definition [MCL 257.601b\(3\)\(d\)](#)
[OAG No. 6481](#), 12/9/87
 Local ordinance must be substantially corresponding to statute

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MUNICIPAL COURT [MCL 600.9928](#), [MCL 730.501](#) **et seq.**, [MCL 780.221](#) **et seq**
 Files, papers, dockets [MCL 780.222](#)
 Jury trials, jury boards, draws, etc..... [MCL 730.251](#) **et seq.**
 “Justice” courts means “municipal courts” [MCL 730.501](#)
 “Justices” means “municipal judges” when referring to justice courts or justices of the peace

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NON-SUFFICIENT FUNDS

(Payment to Court)

Notice process which could be used by plaintiff (Prosecutor); establishes \$25 late fee, increasing to \$35 after 7 days

but within 30 days [MCL 600.2952](#)

Penalty allowed..... [MCR 8.106](#)

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NATIONAL CENTER FOR STATE COURT

300 Newport Avenue

Williamsburg, VA 23187-8798

1-804-259-1841

1331 17th Street, Suite 402

Denver, CO

1-303-293-3063

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NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT

Prosecution of Recreational trespass [MCL 324.73106](#)

Municipal atty. may prosecute in that municipality [MCL 324.73108](#)

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NEPOTISM

Michigan Supreme Court [AO 1996-11](#) (Page 45)

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NO FAULT

NF case type code

Mini-tort - \$500 maximum; filed in small claims (SC case type code) [MCL 500.3135\(3\), \(4\) & \(5\)](#)

Tort liability - motor vehicle; first party; personal injury and property damage..... [MCL 500.3135](#)

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NON-PUBLIC RECORDS..... [MCR 8.119\(F\)](#)

See Suppression Orders and Court Administration Reference Guide Section 8-03 et seq.

Controlled substances (MSP non-public) [MCL 333.7411](#)

Court file non-public when statute makes file non-public	MCR 8.119(E)(1)
Driver or vehicle records	MCL 257.208c , MCL 257.232
Felony for wrongful use of personal information	MCL 257.903
“Personal” information, defined	MCL 257.40b
Forensic reports (probably)	MCL 330.1748 , MCL 330.1750(2)(f)
HYTA (closed to all but law enforcement)	MCL 762.14
Information obtained via LEIN - criminal sanctions	MCL 28.214(3)
Motion procedure	MCR 8.116(D)
Parental kidnapping	MCL 750.350a
Set aside conviction	MCL 780.621
Spouse abuse (MSP non-public)	MCL 769.4a

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NOTARY REQUIREMENT

See also “Oaths & Affirmations”

Make be sworn by:

1. A judge, justice, clerk of a court, or a notary
2. A district court magistrate

[MCL 600.1440](#)

[MCL 600.8317](#)

[Notary Public Act 2003 PA 238](#)

Required on affidavits

Not required on verified statements

[MCR 2.114\(B\)](#)

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OATHS & AFFIRMATIONS.....

[MCR 2.114\(A\)\(2\)\(b\)](#)

Affirmation in lieu of oath.....

[MCL 600.1434](#)

By electronic means

(pursuant to [MCL 780.651](#) or [MCL 764.1](#)) [MCL 600.1442](#)

Content [MI Constitution, Article 11, § 1](#)

Court Reports/Recorders in Circuit

[MCL 600.1104](#)

Definition: “oath” & “sworn”

[MCL 8.3k](#)

District Court

[MCL 600.8317](#)

Judges: (Recommend new oath each term)

Probate

[MCL 168.440](#), [MCL 600.812](#)

Circuit

[MCL 168.420](#)

District.....

[MCL 168.467j](#)

COA (File with SOS & SCAO)

[MCL 168.409h](#)

Supreme (File with SOS)

[MCL 168.400](#)

Judge's oath to be filed with SOS (Office of the Great Seal), SCAO Central Office, and County Clerk(s); also with Governor if appointed.

Judicial assistants (courts with 10 or more judges)	MCL 600.1481
Jurors	MCL 600.1440
affirmation allowed	MCL 768.15
Mentally incompetent	MCL 600.1438
Procedure	MCL 600.1432 , MCL 600.1442
Required of governmental employees	MCL 15.151
County Stenographer; municipal court	MCL 766.11(2)
Who may administer	MCL 600.1440 ; MCL 600.1442
Witnesses	MCL 600.1440 , MCL 600.1455 , MRE 603

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OPINIONS

Circuit Court opinions only binding upon inferior courts in the same county

Unpublished Court of Appeals cases not precedential	MCR 7.215(C)(1)
Stine v Continental Casualty, 419 Mich 89	

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ORDER OF EVICTION

SCAO Form [DC107](#)

Holiday moratorium - US Court of Appeals decision - **see** "Civil" file

Landlord Tenant	MCR 4.201(1) , MCL 600.5744
Service	MCR 2.103 , MCR 3.106
Summary Proceedings	MCR 4.202(K)

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ORDER OF SEIZURE

SCAO Form [MC19](#)

(Formerly known as Order of Execution)

Officer procedure	MCR 3.106 , MCL 600.6002 et seq
Service	MCR 2.103 , MCR 3.106
Writ/Order	MCR 3.105(J) , MCL 600.2920

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ORDERS

See also Judgments & Orders

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ORDINANCE VIOLATIONS

Cities.....	MCL 117.4i
Limits Civil Infractions.....	MCL 117.4i(3)(j)
Misdemeanors.....	MCL 117.3
Villages.....	MCL 66.2
Limits Civil Infractions.....	MCL 66.2(4)
Misdemeanors.....	MCL 66.4(2)
Townships.....	MCL 41.183
Limits Civil Infractions.....	MCL 42.21
Misdemeanors.....	MCL 41.181
Motor Carrier Safety Act ordinance.....	MCL 480.21
Penalty limited to 90 days/\$500 unless it corresponds to a state law misdemeanor that is 93 day offense, then penalty allowed to be 93 days; may not have lesser penalty than statute.....	MCL 257.605
“Substantially Corresponding” Johnson v SOS, 224 Mich App 158 (1997) – offense (not penalty), must correspond Kutzli v SOS, 152 Mich App 38 (1986) – must contain similar language or proscribes same conduct as statute People v Wolfe, 251 Mich App 239 (2002) - similarity in essential aspects See also Traffic Benchbook, Volume 3, Chapter 1	
Vehicle noise.....	MCL 257.707e(2)

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ORIGINALS, DUPLICATES

“To prove the content of a writing, recording, or photograph, the original writing, recording, or photograph is required, except as otherwise provided in these rules or by statute.” (3/1/78).....	MRE 1002
“A duplicate is admissible to same extent as an original unless (1) a genuine question is raised as to the authenticity of the original or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original.” (3/1/78).....	MRE 1003

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OUT OF STATE

Out-Of-State case, In-State person:	
Discovery or deposition.....	MCR 2.305(e) , MCL 600.1852
Motion fee required	
Criminal case - subpoena to attend Out-Of-State.....	MCL 767.91 et seq
Out-Of-State person, In-State case:	
Service.....	MCR 2.105(A)

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PEACE BOND

Pre-criminal complaint [MCL 772.1](#) et seq
Post judgment [MCL 769.6](#)

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PENALTIES

Marine Vessels [MCL 324.80319](#)
Misdemeanors, generally if penalty not specified - 90 days and/or \$500 [MCL 750.504](#)
Michigan Vehicle Code [MCL 257.901](#), [MCL 257.907](#)
Municipal Civil Infractions [MCL 600.8727](#)
Ordinance [MCL 761.1](#), [MCL 89.2](#)
Ordinance in conflict with statute is void in Michigan Vehicle Code to the extent of the conflict of penalties and sanctions [MCL 257.605](#)
ORVs [MCL 324.81142](#)
State Civil Infractions [MCL 600.8827](#)
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PERSONAL IDENTIFICATION

Definition: 1 or more of the following - SSN, DLN, State ID# [MCL 37.251](#)
Delivery of envelope or package with personal information visible is prohibited..... [MCL 37.252](#)

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PERSONAL SERVICE

Municipal civil infraction re: building/land use can be posted on land/structure and sent by first class mail to owner [MCL 600.8707\(4\)](#)
Parking ticket can be attached to vehicle [MCL 257.742\(6\)](#)
By implication, all other citations require personal service

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PLEAS

Guilty
 Felony..... [MCR 6.302](#)
 Misdemeanor..... [MCR 6.610\(E\)](#)
Felony at District Court arraignment [MCR 6.111](#)

Guilty but mentally ill [MCR 6.303](#), [MCL 768.36](#), [MCL 330.2020](#) et seq.
Not Guilty by Reason of Insanity [MCR 6.304](#)

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PRELIMINARY EXAMINATION [MCR 6.110](#), [MCL 766.15](#)
100% to be conducted within 14 days unless good cause shown Michigan Supreme Court [AO 2003-7](#) (Page 69)
To be set within 14 days [MCL 766.4](#), [MCR 6.104\(E\)\(4\)](#)

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PRIORITY OF PAYMENTS [MCL 775.22](#), [MCL 780.766a](#)
1. 50% of every payment towards victim payments (Crime Victim Fee and Restitution)
2. Minimum State Costs
3. Costs
4. Fine
5. Probation/parole oversight
6. Other Assessments (in priority as determined by the court)

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PRISONER LITIGATION
Re: prison conditions [MCL 600.5501](#) et seq

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PROBABLE CAUSE [MCR 6.102\(B\)](#), [MCL 764.1a\(2\)](#)
Plan for judicial availability [MCR 6.104\(G\)](#)
Testimony must be adequately preserved to permit review (**see** 1989 Staff Comments regarding subsection B) [MCR 6.102\(B\)](#)
24-hour “rule” Bernard, 699 F 2d at 1025, 1026; Sanders, 543 F Supp at 702; Dommer v Hatcher, 427 F Supp 1040, 1045 (ND Ind 1975).
Probable cause a prerequisite to extended restraint of liberty. [Gerstein v Pugh, 420 US 103](#) (1975)

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PROBATION [MCL 771.3](#)
Arrest on probation violation [MCL 771.4](#), [MCR 6.445](#)
Budget - counties responsible for [OAG No. 6448](#)
Conditions, fines, costs, etc. [MCL 771.3](#)
Costs limited to expense of prosecution & legal defense [MCL 771.3\(6\)](#)

District Court	MCL 600.8314
Driver license - holding w/o suspension OAG No. 4454	
Fines may exceed statutory limit if def. agrees to probation People v Oswald, 208 Mich App 444	
Jail; not for deferred sentence - no conviction.....	MCL 769.3 , MCL 333.7411
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Generally defined	MCL 8.3n
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Seal plaque - order from Michigan Department of Management and Budget 517-322-5088	
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To satisfy civil judgment	MCL 600.6001 et. seq., SCAO Form MC19
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May be required before service	MCL 600.2516
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Removal from office; subpoena	MCL 201.8
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Who may serve	MCR 2.103
Witness and parties	MCL 600.1821

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SETTLEMENTS

[MCR 2.504](#)

Q: Does a “conditional dismissal” allow the plaintiff to ask the court to reopen the case if the defendant fails to comply with conditions?

A: No, but a dismissal is without prejudice; the plaintiff can file new action referencing the original action.

See discussion, last paragraph, of.....[MCR 2.504\(A\)\(1\)](#)

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SEX OFFENDER REGISTRATION

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SHOW CAUSE

[MCR 3.606\(A\)](#)

Either Order to Show Cause or Bench Warrant for contempt outside presence of court, including failure to pay fines and costs, etc.

SCAO Form [MC230](#)

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SIGNATURE	MCL 8.3g , MCR 2.506 , MCR 2.602
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Subpoenas	MCR 2.506
Verification/attorneys	MCR 2.114(C)
Clerk	
Default, sum certain.....	MCR 2.603(B)(2)
No progress dismissal	MCR 2.502(B)(1)
No service dismissal.....	MCR 2.102(E)(2 & 3)
Faxed documents.....	MCR 2.406(H)
People v Kelley, 181 Mich App 95 : docket entry not a judgment or order for purposes of computing time for filing a claim of appeal under.....	MCR 2.602(A)
The words “written” and “in writing” may be construed to include printing, engraving, and lithographing; except that in all cases where the written signature of any person is required by law, it shall always be the proper handwriting of such person; or in case he is unable to write, his proper mark.	MCL 8.3g :
Subpoena: authorized signature for	MCR 2.506(B)(2)

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5 per week maximum, except claim on behalf of county, village, township, city	MCL 600.8407
Affidavit of Judgment Debtor.....	MCL 600.8410(5)
Appeal from judge (none)	MCL 600.8412
De novo from magistrate.....	MCL 600.8427
Superintending control by Circuit available to correct serious errors of law. Marshall v Pech, 95 Mich App 454	
Assignment of debt not allowed to be filed in SC	MCL 600.8407
Attorneys not allowed.....	MCL 600.8408
Atty. may file for removal to general civil: In re Lafayette Towers, 200 Mich App 269 (1993)	
Atty. may not file post judgment proceedings: In re Goehring, 184 Mich App 360 (1990)	
Counterclaims, and \$1.00 transfer fee if over SC limit	MCL 600.8423
Disclosure required w/l 30 days of Judgment	MCL 600.8410
Discovery not permitted	MCR 2.302(A)(3)
Filing Fees	MCL 600.8420
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Hear cases once every 30 days.....	MCL 600.8416
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Recording not required	MCR 8.108(B)
Removal; Amended complaint for more than limit requires difference in filing fee	MCL 600.8425
Service; certified mail & alternate service	MCL 600.8405
See also Michigan Court Rules Practice	MCR 4.303
Settlements before hearing; reduce to writing	MCL 600.8410
Venue, including removals	MCL 600.8415

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MI Right to Const. 1963 Art. 1, § 20	MCR 6.004(C) , MCL 768.1
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Serious misdemeanor	MCL 780.811

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Tort judgment renewal	MCL 600.5809
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Investigative Subpoena.....	MCL 767A.2
Discovery; applications, orders & transcripts relating to immunity are confidential Peo v Pruitt, COA, 3/1998	
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In-state deposition.....	MCL 600.1852
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Who may sign subpoena: Judge, attorney, clerk. No mention of pro-se litigants in MCR Practice, so they should get clerk to sign	
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Clerk of governmental unit to issue traffic citation books to Chief of Police UTC R28.1158, 2.58
Chief of Police issues to officers UTC R28.1109, 2.9
Purchase and control - old DC rule 2003.1-.4, deleted in 1985
Uniform Law Citation & use for 93 day misdemeanor[MCL 764.9c](#), [MCL 764.9f](#)

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Possess, smoke, chew under age 18 - misdemeanor, \$50 maximum fine
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District Court - same as circuit..... [MCL 600.8631](#)

Circuit Court - when ordered by judge, funding unit pays [MCL 600.2543](#)

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Failure to pay to county treasurer - treasurer may proceed in circuit court to collect money [MCL 600.4841](#)

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Escheat manual: www.michigan.gov/documents/2013i_2598_7.pdf

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UTC

Uniform Traffic Code for Cities, Townships, and Villages

The UTC, Authority to adopt [MCL 257.951](#)

Appearance tickets [with exceptions in (3)] [MCL 764.9c](#)

Uniform ordinances [may not have lesser penalties than offense in Michigan Vehicle Code, chapters 6 or 8, or otherwise conflicting] [MCL 257.605](#)

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UNAUTHORIZED PRACTICE OF LAW	MCL 600.916
Cobb v Judge of Superior Court of Grand Rapids, 43 Mich 289 (1880) Drafting everyday documents not unauthorized practice of law.	
Dressel v Ameribank, 468 Mich 557 (2003)	MCL 450.681
Law Students, etc.	MCR 8.120
Landlord Tenant Division - D36 (Common Pleas Court of Detroit) AO 1973-1 (Page 2)	
Non-lawyer appearing for corporation or partnership is unauthorized practice of law: State Bar Ethics Committee Informal Opinion CI-689 , Nov. 11, 1981.	
Small Claims - Non-lawyer representation allowed.....	MCR 4.302(B) , MCL 600.8407
State Appellant Defender AO 1981-7 (Page 5), AO 1989-3 (Page 30)	

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VENUE	MCR 2.221
City in two counties	MCL 600.8312(7)
Civil.....	MCL 600.8312(5) , MCL 600.1601 et seq, especially MCL 600.1621
Personal property	MCL 600.1605
Governmental unit	MCL 600.1615
Contract - cannot move venue which would conflict with statutory venue, <i>Omne Financial v Shacks</i> , 460 Mich 305 (1999)	
Criminal.....	MCL 762.3 , MCL 762.2 , MCL 762.7 , MCL 600.8312(1)-(4)
SCAO does not assign new judge if change of venue is because of pre-trial publicity and inability to seat a jury; heard by original judge; case is just moved to different venue	
District.....	MCL 600.8312
Failure to pay fees; dismiss w/o prejudice	MCR 2.223(B)(2)
Improper.....	MCR 2.223
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Digital Video Recording Systems Standards	
No requirement for physical presence of defendant at arraignment.....	MCL 767.37a
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WALKER HEARING

People v Walker, 374 Mich 331 (1965)

Headnotes:

1. The voluntariness of a confession of person accused of crime is not a proper matter for submission to the jury determining guilt or innocence without there having first been made a separate determination thereof on a separate record.
2. One accused of crime has a constitutional right to have an involuntary confession entirely disregarded and to have the coercion issue fairly and reliably determined.
3. [Courts - construction of Constitution]
4. Accused who was convicted of first-degree murder after a trial in which jury was permitted to determine issue as to voluntariness of his alleged confession, is granted a hearing in the trial court upon such issue, determination by the trial court to be made on a separate record and defendant being accorded the right to testify on such issue without waiving his right to decline to take the stand on trial in chief; a new trial being granted if the trial court determines the confession to have been involuntary, but trial previously had sufficing to afford constitution due process if confession is determined to have been voluntary.

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Arrest warrant	MCL 764.1(3)
When authorization by Prosecutor not required.....	MCL 600.8511(d)
DNR, Motor Carrier, County Rd Commission.....	MCL 764.1(2)
MVC violation if citation issued under	MCL 257.728
If security for costs paid (minor violations)	MCL 764.1(2)(a)
By fax.....	MCL 764.1(3)
Return endorsement required.....	MCL 764.19 , MCL 764.1b
Show cause not required before warrant	MCL 257.908 , MCL 600.8729 , MCL 600.8829 , MCR 3.605
Traffic misdemeanor	MCR 6.615(A)(1)(b)
Warrant not required to be in officer's possession.....	MCL 764.18
Bench warrant - failure to appear; contempt	MCR 3.606

Duty of sheriff upon arrest	MCL 600.1735
Civil warrant	MCL 600.6075
MSP allowed to serve	MCL 28.6(2)
Recall and return - delivered after execution w/proper return	MCL 764.1b , MCL 764.19
Search warrant.....	MCL 780.651
Affidavit non-public for 56 days and subsequent request for suppression	MCL 780.651(8)
Affidavit not required to be given by officer.....	MCL 780.655
Blood alcohol by fax People v Snyder, 181 Mich App 768	
By fax, in general.....	MCL 780.651(3)
DNR fish & game.....	MCL 324.1602
For service out of district allowed Peo v Fiorillo, 195 Mich App 701	
When prosecutor authorization not required Peo v Ware, 75 Mich App 448	
Should be confidential unless case is filed Case File Management Standards, Component 18	
Who can issue: “Magistrate” defined	MCL 761.1
Service: Bench warrant may be executed by an officer appointed by the district court for that purpose OAG 5615 (1979), MCR 103(D)	
Service of warrant by district court officer doesn.t require person to also be appointed a constable OAG 5584 (1979)	

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WARRANT, CORPORATE

Re: tickets issued to companies

Department of Labor & Economic Growth

May verify address and obtain resident agent name; also may get copy of annual report; ID as court request; no fee required;

www.dleg.state.mi.us/bcs_corp/sr_corp.asp

Service on corporation	MCR 2.105(D)
for Civil rule application.....	MCR 6.001(D)

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WEAPONS

Areas prohibited & penalty	MCL 750.234d
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Civil infractions report findings of responsibility or default by court to Gun Board & MSP	MCL 28.425f , MCL 28.425k , MCL 28.425o
Claim of appeal from Gun Board denial	SCAO Form CC79 , MCL 28.425d
Reporting of convictions by Prosecutor to Gun Board (misdemeanor/felony)	MCL 28.425m

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WITNESS

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Court of record	MCL 600.2552
District same as circuit	MCL 600.8323
Expert; as determined by judge	MCL 775.13a
When out-of-state, set by funding unit as reasonable	
Manner of payment	MCR 2.506(G) , MCL 775.14
Witness on behalf of indigent defendant	MCL 775.15
Witness on behalf of prosecution	MCL 775.13
SCAO Mileage Chart:	
Criminal (\$.10/mile)	MCL 775.13
Civil; equal to amount est. by DMB for state officers and unclassified.....	MCL 600.2552(5)
Employees (state premium rate)	
Ordinance case, see case notes following; county not responsible. See also 63 Mich App 44	MCL 600.8323 , MCL 775.13
Out-of-state witness; from MI border.....	MCL 600.2552
Testimony by expert by telephone, video, etc.	MCL 766.11a , MCR 6.006

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Madamus - circuit court.....	MCR 3.305
Quo Warranto - circuit court.....	MCR 3.306
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