



Michigan Supreme Court
State Court Administrative Office
611 West Ottawa Street, P. O. Box 30048
Lansing, Michigan 48909
517 373-0130

013

Marilyn K. Hall
State Court Administrator

John D. Ferry, Jr.
Deputy Administrator

May 6, 1993

Michael F. Cavanagh
Chief Justice
Charles L. Levin
James H. Brickley
Patricia J. Boyle
Dorothy Comstock Riley
Robert P. Griffin
Conrad L. Mallett, Jr.
Associate Justices

Hon. Philip E. Rodgers Jr.
Chief Judge
13th Circuit Court
Courthouse
400 Boardman
Traverse City, MI 49684

Re: Administrative Order 1993-2
Plan for Judicial Availability

Dear Judge Rodgers:

This is to advise that we have reviewed the above referenced Administrative Order and find that it conforms with the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

Sincerely,

John D. Ferry, Jr.
Deputy State Court Administrator

JDF:lj

cc: Jack Crandall, Regional Administrator



**Thirteenth Judicial Circuit
of Michigan**

APR 30 1993

PHILIP E. RODGERS, JR.
THOMAS G. POWER
CIRCUIT JUDGES

328 WASHINGTON STREET
TRAVERSE CITY, MICHIGAN 49684
(616) 922-4707

COUNTIES
ANTRIM
GRAND TRAVERSE
LEELANAU
LAILA OLSON
COURT ADMINISTRATOR

April 27, 1993

John D. Ferry, Jr.
Deputy Court Administrator
State Court Administrative Office
P.O. Box 30048
Lansing, MI 48909

Re: 13th Circuit Court
Administrative Order No. 1993 - 2

Dear Mr. Ferry:

Our Chief Judge, Philip E. Rodgers, Jr., has asked me to send this, our second Administrative Order for 1993, to you for review and filing.

If you have any questions or comments following your review of the enclosed, please feel free to call or write.

Sincerely,

Carol J. Weaver

Carol J. Weaver
Secretary

/cjw

Enclosure

cc: Antrim County Clerk
Grand Traverse County Clerk/Records
Leelanau County Clerk
Jack Crandall, Region IV Court Administrator

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF GRAND TRAVERSE
13th JUDICIAL CIRCUIT

=====)
ADMINISTRATIVE ORDER:

Administrative Order
1993 - 2

PLAN FOR JUDICIAL AVAILABILITY
_____ /

PRESENT: HONORABLE PHILIP E. RODGERS, Jr.
Chief Circuit Court Judge

Pursuant to MCR 6.104(G), the 13th Judicial Circuit for Antrim, Grand Traverse, and Leelanau Counties adopts the following procedure to make a judicial officer available to review complaints and set bail for persons arrested for the commission of a felony each day of the year.

1. Those persons who are arrested on days when court is regularly in session shall be arraigned in accordance with the normal court procedures.

2. On those days when the court is not in session, a district court judge or a district court magistrate shall be given responsibility to review the circumstances surrounding all felony arrests of persons who are incarcerated and who have not been arraigned.

3. Each police officer making a felony arrest pursuant to a warrant on days when court is not in session and will not be in session the following day, shall insure that sufficient information is left at the jail to allow the judicial officer to set bail, information should include the defendant's criminal record, social security and driver's license numbers, any aliases, defendant's occupation, defendant's spouse and/or next-of-kin, and the recommendations of the arresting agency.

4. Each police officer making a felony arrest without a warrant on days when court is not in session or will not be in session on the following day, shall, in addition to providing the above information, prepare an affidavit setting forth the facts

the arresting officer believes provides probable cause for making the arrest. The officer shall sign and swear to the affidavit before a deputy court clerk who shall be present at the jail at all times. In addition, the officer should make available to the jail a copy of any reports or supporting documents outlining the circumstances of the arrest. The Prosecuting Attorney within each county comprising the 13th Circuit, or his designee, shall review all warrantless felony arrests on days the court is not in session or will not be in session the following day. The on-call prosecutor shall review reports and affidavit; and, if appropriate, authorize a charge by preparing a temporary or handwritten complaint, insuring that the appropriate name and statutory citations of the offense are included. The complaint will be left with the affidavit and supporting documents provided by the arresting officer at the relevant county jail.

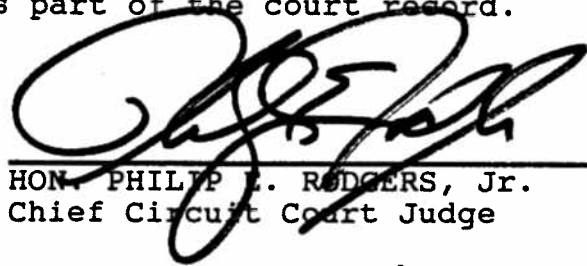
5. The arresting officer or a member of the arresting agency, on information and belief, shall sign and swear to the complaint before a judicial officer or court clerk as required by MCR 6.101.

6. On each day that the court is not in session and is not in session on the following day, the on-call district court judge or magistrate shall review the complaints and supporting documents to determine if probable cause exists for an arrest, (in the case of a warrantless arrest), and shall set bail if appropriate. Review may be performed via facsimile communication.

7. In setting bail, the judicial officer shall have available to him the defendant's prior criminal record, name and address, driver's license number and social security number, aliases used by the defendant, defendant's occupation, the defendant's spouse and/or next-of-kin, and any other information the judicial officer believes relevant to his bond decision.

8. On the next regular business day, the prosecuting attorney's office will prepare a complaint as is normally done, and the defendant will be arraigned in the normal manner. The police officer's affidavit or warrantless arrest and the

temporary or handwritten complaint prepared by the prosecutor shall be retained in the file as part of the court record.



HON. PHILIP E. RODGERS, Jr.
Chief Circuit Court Judge

Executed: _____

4/26/93



RECEIVED

APR 30 1993

**Thirteenth Judicial Circuit
of Michigan**

STATE COURT ADMINISTRATIVE OFFICE

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THOMAS G. POWER
CIRCUIT JUDGES

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