



C13

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

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,

A handwritten signature in black ink, appearing to read "John D. Ferry, Jr."  
John D. Ferry, Jr.  
Deputy State Court Administrator

JDF:lj

cc: Jack Crandall, Regional Administrator



## Thirteenth Judicial Circuit of Michigan

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

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

APR 30 1993

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

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ADMINISTRATIVE ORDER:

Administrative Order  
1993 - 2

PLAN FOR JUDICIAL AVAILABILITY

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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.

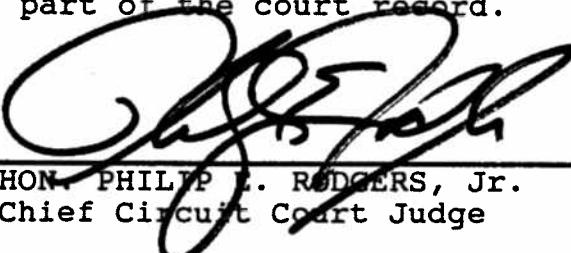
5. The arresting officer or a member of the arresting agency, on information and belief, shall sign and swear to the complaint before a judicial officer or court clerk as required by MCR 6.101.

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 L. RODGERS, Jr.  
Chief Circuit Court Judge

Executed: 4/26/93



RECEIVED

APR 30 1993

**Thirteenth Judicial Circuit  
of Michigan**

STATE COURT ADMINISTRATIVE OFFICE

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

328 WASHINGTON STREET  
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Jack Crandall, Region IV Court Administrator