

State of Michigan



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REGIONAL ADMINISTRATOR
REGION 4

Thirteenth Judicial Circuit

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

328 WASHINGTON STREET, SUITE 300
TRAVERSE CITY, MICHIGAN 49684
(231) 922-4701
Fax (231) 922-4519

COUNTIES
ANTRIM
GRAND TRAVERSE
LEELANAU

Administrative Order 2006 - 02

ELIMINATION OF CIRCUIT COURT ARRAIGNMENTS

IT IS ORDERED:

This administrative order is issued in accordance with MCR 6.113, effective January 1, 2006. This order authorizes the 13th Circuit Court to eliminate the circuit court arraignment of criminal cases cognizable in the circuit court.

1. Until further order of the court, in cases where the defendant is represented by an attorney and arrangements have been made to give the defendant a copy of the information, the judge(s) of the 13th Circuit Court may eliminate circuit court arraignments.
2. Defense attorneys in the 13th Circuit Court are required to review the information with the defendant and answer his or her questions prior to the pre-trial conference which is held no later than 14 days after the bind over from District Court. The Defendant's signature on the pre-trial order confirms this procedure was followed.
3. The 13th Circuit Court will cooperate with the State Court Administrative Office in the assessment of this program.

Effective Date:

Date:

2/28/06

A handwritten signature in black ink, appearing to read "Thomas G. Power".

Honorable Thomas G. Power
Chief Judge, 13th Circuit Court

STATE OF MICHIGAN
IN THE 13TH JUDICIAL CIRCUIT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

____ Grand Traverse Co.
____ Leelanau Co.
____ Antrim Co.

v

File No.

Defendant.

Attorney for Plaintiff

Attorney for Defendant

CRIMINAL PRE-TRIAL AND
SCHEDULING CONFERENCE ORDER

A Scheduling Conference was held in this matter on _____, and the parties, through their counsel, having had the opportunity to participate, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED:

FORENSIC CENTER REFERRAL

____ Inapplicable;
____ Criminal Responsibility;
____ Competency to stand trial.

Order of Referral entered on _____
Special Provisions _____

IDENTIFY ALL KNOWN CO-DEFENDANTS (include case number if known): _____

MOTIONS AND DISCOVERY

ALL MOTIONS OF ANY NATURE WHATSOEVER SHALL BE FILED NO LATER THAN TWO WEEKS FOLLOWING THE COMPLETION OF THE PRE-TRIAL CONFERENCE. COUNSEL, NOT THE DEFENDANT, MAY BE SANCTIONED FOR VIOLATIONS OF THIS ORDER. ALL MOTIONS WILL BE HEARD AND DECIDED PRIOR TO THE FINAL CONFERENCE.

ALL PARTIES SHALL STRICTLY COMPLY WITH MCR 2.119, INCLUDING RESPONSES. JUDGE'S COPIES OF ALL MOTIONS AND BRIEFS SHALL BE FORWARDED TO CIRCUIT COURT ADMINISTRATION. MCR 2.119(A)(2). THE ADDRESS FOR CIRCUIT COURT ADMINISTRATION IS 328 WASHINGTON STREET, SUITE 300, TRAVERSE CITY, MICHIGAN 49684.

Prosecutor certifies the intention to file the following motion(s): _____

Prosecutor's motion(s) will require an Evidentiary Hearing:

____ Yes; ____ No.

Defendant certifies the intention to file the following motion(s): _____

Defendant's motion(s) will require an Evidentiary Hearing:

____ Yes; ____ No.

TRANSCRIPT

____ Preliminary Examination Waived.

Court Appointed Counsel: Demand/waiver for transcript of Preliminary Examination form (MC 208) has been submitted for Judge's signature, ____ Yes; ____ No, but will be submitted no later than _____.

Retained Counsel: Defendant certifies that the Court Reporter's fee has been paid, ____ Yes; or Defendant agrees to pay the Court Reporter's fee no later than _____.

Preliminary examination transcripts shall be filed no later than 28 days from the date of this order.

DISCOVERY

The parties certify the existence of the following unsatisfied discovery requests: _____

Stipulations: _____

PLEA AGREEMENT

THE COURT WILL NOT ACCEPT ANY REDUCED PLEAS MADE PURSUANT TO A PLEA AGREEMENT BETWEEN THE DEFENSE AND PROSECUTION AFTER THE FINAL CONFERENCE.

Prosecutor has offered Defendant _____

The Defendant has discussed the above-described offer with her/his attorney. Defendant will consider the plea offer until the date of the Final Conference. *Trial Counsel and Defendant must attend the final conference in person.*

TRIAL

THE PROSECUTOR WILL PROVIDE WRITTEN NOTICE TO THE DEFENDANT OF ALL SIMILAR ACTS THAT ARE PROPOSED TO BE INTRODUCED AS EVIDENCE NO LESS THAN FOURTEEN DAYS BEFORE THE FINAL CONFERENCE AND THE DEFENDANT WILL PROVIDE A WRITTEN ARTICULATION OF THE DEFENSE RELEVANT TO THE USE OF SIMILAR ACTS EVIDENCE NO LESS THAN SEVEN DAYS PRIOR TO THE FINAL CONFERENCE.

_____ There are no issues regarding the identification and subpoena(s) of witness(es).

The _____ advised the Court of the following issues regarding the identification and subpoena(s) of witness(es): _____

Prosecutor requires _____ days to present the State's case.
Prosecutor requests, trial by Jury _____ ; bench trial _____.

Defendant requires _____ days to present his/her defense.
Defendant requests, trial by Jury _____ ; bench trial _____.

The estimated duration of the trial: _____ days. NOTICE OF A FIRM TRIAL DATE SHALL BE PROVIDED TO THE PARTIES BY CIRCUIT COURT ADMINISTRATION.

THE PARTIES SHALL FILE TRIAL BRIEFS ON ANY AND ALL EVIDENTIARY AND LEGAL ISSUES NO LATER THAN FIVE DAYS BEFORE TRIAL COMMENCES. ALSO, NOT LATER THAN FIVE DAYS BEFORE JURY TRIAL, COUNSEL SHALL SUBMIT FULL-TEXT JURY INSTRUCTIONS ON LETTER-SIZED PAPER WITH TITLE PAGE LISTING THE INSTRUCTIONS IN THE ORDER THEY ARE REQUESTED TO BE GIVEN. STANDARD JURY INSTRUCTIONS MAY SIMPLY BE LISTED BY NUMBER. NON-STANDARD INSTRUCTIONS MUST BE GIVEN IN FULL TEXT WITH A CITATION FOR AUTHORITY SUPPORTING THE INSTRUCTION. A VERDICT FORM SHALL ALSO BE PROVIDED. A COPY OF THESE DOCUMENTS MARKED "JUDGES COPY" SHALL BE SUBMITTED WITHIN THE SAME TIME PERIOD TO CIRCUIT COURT ADMINISTRATION AT 328 WASHINGTON STREET, SUITE 300, TRAVERSE CITY, MI 49684.

MISCELLANEOUS

SENTENCING

IF A PLEA IS TO BE ENTERED, THE PARTIES ACKNOWLEDGE THAT THE PRE-SENTENCE REPORT AND SENTENCING GUIDELINES MUST BE REVIEWED WITH THE DEFENDANT. ANY PARTY WHO PROPOSES REVISIONS TO THE REPORT OR THE GUIDELINES SCORING MUST SUBMIT THEIR OBJECTION(S) AND SUPPORTING DOCUMENTATION TO THE DEPARTMENT OF CORRECTIONS NO LESS THAN FIVE BUSINESS DAYS BEFORE THE SENTENCING. THE FAILURE TO COMPLY WITH THIS REQUIREMENT MAY REQUIRE THAT BOND BE REVOKED AND SENTENCING ADJOURNED.

THE DEFENDANT AND COUNSEL CONFIRM THAT THEY HAVE REVIEWED THE INFORMATION TOGETHER, THE CHARGES HAVE BEEN EXPLAINED AND THE DEFENDANT'S QUESTIONS HAVE BEEN ANSWERED.

Approved as to form and content:

Prosecuting Attorney

Defense Counsel

Defendant

IT IS SO ORDERED.

HONORABLE
Circuit Court Judge

Dated: _____

Last revision: 02/01/06