
ADMINISTRATIVE ORDER 2001-03

State of Michigan
Third Judicial Circuit Court

SUBJECT: CRIMINAL DIVISION CASE ASSIGNMENTS

PREAMBLE:

It is the policy of the Third Judicial Circuit of Michigan to utilize an Individual Calendar (IC) System, the purpose of which is to efficiently manage Civil, Criminal and Family Division dockets. The IC format ensures that each docket receives a proportionate share of each division's caseload and new case filings. This format requires an equal distribution of cases upon initiation to all judges who are then responsible for each aspect of the case through final disposition.

In the Criminal Division, to maintain the basic principles of an IC system and comply with the "by lot" case assignment requirements of MCR 8.111, the Third Circuit utilizes a two-tier assignment system for criminal case processing.

The first tier consists of six (6) Arraignment on the Information (AOI) dockets of JJ., Margie R. Braxton, William Leo Cahalan, James R. Chylinski, Robert L. Evans, Harvey F. Tennen and Presiding Judge Karen Fort Hood. All criminal cases, except capital cases and the noncapital offenses of manslaughter (MCL 750.321), assault with intent to do great bodily harm less than murder (MCL 750.84) with a felony firearm (MCL 750.227b), and negligent homicide (MCL 750.324), are assigned to an AOI docket. At the AOI, parties may negotiate a plea. If a plea agreement cannot be reached, the AOI judge may retain the case for trial if there is no jury demand or blind draw the case to a trial docket. If a jury demand is made, a blind draw to a trial docket must be conducted within twenty-one (21) days of the AOI date, unless the time has been extended by the Presiding Judge. A case assigned to a trial docket may not be returned to an AOI docket because it was assigned outside of the time limits for the blind draw, unless approved by the Presiding Judge.

The first tier also consists of one (1) Arraignment on the Information (AOI) docket of Judge Richard P. Hathaway. Assigned to this docket are all felony auto theft cases, which include, but are not limited to, operating a chop shop [MCL 750.535a(2)], receiving or concealing stolen property (MCL 750.535 et seq.), unlawfully driving away automobile (MCL 750.413), insurance fraud (MCL 500.4511, et seq.), altering vehicle identification number (MCL 750.415), possession of stolen motor vehicle with intent to pass title (MCL 257.254), false statement in application of title (MCL 257.254) and fleeing and eluding [MCL 257.602a (3) and (4)]. At the AOI, the parties may negotiate a plea. If a plea

agreement cannot be reached, the AOI judge shall retain the case for trial if there is no jury demand. If there is a jury demand, the case shall be assigned (after all pre-trial motions have been heard) to the trial docket of Judge Brian R. Sullivan.

The second tier consists of twenty-four (24) trial dockets listed below. All criminal offenses that include life imprisonment as the maximum sentence and the designated highly assaultive offenses enumerated above, are assigned by lot at case initiation to a trial docket. The AOI for these charges is conducted by the trial judge and the case remains with that judge or his/her docket successor until final disposition.

Due to the high volume of cases and the unique processing needs required by speedy trial and other Constitutional safeguards, the Criminal Division IC system is modified with this Administrative Order, effective April 2, 2001.

Pursuant to the provisions of MCR 8.111(B) Assignment of Cases and MCR 8.111(C) Reassignments;

IT IS ORDERED THAT:

All manslaughter (MCL 750.321), assault with intent to do great bodily harm less than murder (MCL 750.84) with a felony firearm (MCL 750.227b), negligent homicide (MCL 750.324), and all capital cases will be randomly assigned to the Criminal Division dockets of JJ., Annette J. Berry, Gregory D. Bill, Ulysses W. Boykin, Sean F. Cox, George W. Crockett, III, Maggie W. Drake, Prentis Edwards, Vonda R. Evans, Patricia P. Fresard, Cynthia Gray Hathaway, Diane Marie Hathaway, Michael M. Hathaway, Thomas E. Jackson, Vera Massey Jones, Timothy M. Kenny, Bruce U. Morrow, Daniel P. Ryan, Craig S. Strong, Brian R. Sullivan, Deborah A. Thomas, Leonard Townsend, Mary M. Waterstone, Kym L. Worthy and Carole F. Youngblood or their docket successors.

The following drug-related offenses - delivery or manufacture of < 50 grams [MCL 333.7401(2)(a)(iv)] and possession of 25-49 grams [MCL 333.7403(2)(a)(iv)] involving a defendant with no prior felony conviction or other pending cases - will be assigned to AOI Judge Robert L. Evans or his docket successor. Cases not reaching disposition will be randomly assigned to the trial judges' dockets.

All domestic violence, diversion and welfare fraud cases (MCL 400.60) will be assigned to the docket of the Presiding Judge. Cases not reaching disposition before the Presiding Judge will be randomly assigned to the trial judges' dockets.

All felony auto theft cases, including, but not limited to, operating a chop shop [MCL 750.535a(2), receiving or concealing stolen property (MCL 750.535 et seq.), unlawfully driving away automobile (MCL 750.413), insurance fraud (MCL 500.4501, et. seq.), altering VIN (MCL 750.415), possession of stolen motor vehicle with intent to pas title (MCL 257.254), false statement in application of title (MCL 257.254) and fleeing and eluding {MCL 257.602A (3) and (4) will be assigned to the AOI docket of Judge Richard P. Hathaway, or his docket successor. If there is a jury demand, the case shall be assigned (after all pre-trial motions have been heard) to the trial docket of Judge Brian R. Sullivan.

All cases and criminal charges not specifically enumerated above will be randomly assigned to the AOI dockets of JJ., Margie R. Braxton, William Leo Cahalan, James R. Chylinski and Harvey F. Tennen. In addition, the docket of the Presiding Judge will draw one-half of the number of cases assigned to the dockets of JJ., Margie R. Braxton, William Leo Cahalan, James R. Chylinski and Harvey F. Tennen. Cases not reaching disposition within twenty-one (21) days before the AOI. judge will be randomly assigned to a trial judge unless the time has been extended by the Presiding Judge. A case assigned to a trial docket may not be returned to an A.I. docket because it was assigned outside of the time limits for the blind draw unless approved by the Presiding Judge.

When a new criminal case is filed and there is an open or pending case before an AOI judge involving the same defendant, the new case will be assigned to the AOI judge who has the open case or pending case. If the open or pending case is before a trial judge, the new case will be randomly assigned to an AOI judge for an arraignment on the new charge. If no disposition is reached before the AOI judge, the case will be assigned to the docket of the trial judge assigned to the open or pending case.¹

¹ A pending case is one in which a sentence has not been imposed. An open case is one which the judge has not yet signed and filed an order closing probation.

If a judge is disqualified or for other good cause cannot undertake an assigned case, the presiding judge shall assign it to another judge by a written order stating the reason. All case reassignments shall be done by lot. When a judge is disqualified from hearing a case, it shall be exchanged, within seven days, for a comparable case on the docket of the judge receiving the reassigned case.

An adjournment on the day of trial may only be granted by the Presiding Judge.

All previously issued Third Circuit Court Administrative Orders or Docket Control directives relating to the assignment of criminal cases are hereby rescinded.



MICHAEL F. SAPALA
CHIEF JUDGE
THIRD JUDICIAL CIRCUIT

Dated: April 4, 2001