
ADMINISTRATIVE ORDER 2004 – 13

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT**

**SUBJECT: JUDICIAL AVAILABILITY PLAN FOR FELONY AND
MISDEMEANOR ARRAIGNMENTS ARISING WITHIN THE
COUNTY OF WAYNE**

This Administrative Order rescinds and replaces Administrative Order 1998-09.

Pursuant to the requirements of MCR 8.112(B), Administrative Orders, and MCR 6.104(G) Plan for Judicial Availability,

IT IS ORDERED THAT:

Effective January 1, 2005,

Arraignments shall be conducted every day of the year, including holidays and weekends, for all felony and statute misdemeanor arrests arising within the county of Wayne.

In every district court within the County of Wayne, arraignments shall be conducted every business day of the year as needed by a judge or magistrate of that court for all arrests arising within each district.

Weekend and holiday arraignments of defendants arrested within the city of Detroit shall be conducted at the Thirty-sixth District Court by a judge or magistrate of that court.

Weekend and holiday arraignments of defendants arrested outside the city of Detroit shall be conducted pursuant to the Multiple-District Plan for Magistrates on file with the State Court Administrative Office.

Out-county weekend/holiday arraignments shall be conducted at a central location during the hours designated by the Third Circuit Court. Participating agencies including courts, police, the prosecuting attorney and defense counsel, shall be notified by the Third Circuit Court of the location and hours of operation.

Out-county weekend/holiday arraignments shall be conducted at district court facilities equipped with video technology compatible with that of the Wayne County Prosecutor's Office, Wayne County jail, and local police agencies as agreed upon and approved by the State Court Administrative Office.

Third Circuit Court and the selected district courts shall enter into written agreements governing the use of local courts' facilities and their video equipment, as well as the provision of security.

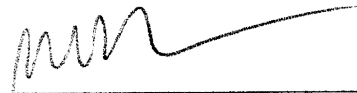
Pursuant to MCL 767.37A and Supreme Court Administrative Order 1991-2, all out-county weekend/holiday proceedings shall be conducted electronically through two-way closed circuit television.

Pursuant to MCL 767.37a(1), any defendant may request and shall be granted an in-person arraignment. The public will be permitted to observe arraignments as required by statute, court rule and Supreme Court order.

Attorney/client meetings shall take place at the jail site or holding facility. Counsel shall be provided with a reasonable private setting to consult with clients.

Facsimile copies of appropriate paperwork shall be transmitted between criminal justice agencies. Original documents shall be delivered or mailed subsequently as appropriate.

Only arraignments for felonies and statute misdemeanor arrests for which bail must be set, as well as show cause hearings involving Personal Protection Order violations and Domestic Violence violations shall be conducted under this program. No other arraignments will be conducted at the out-county site.



Mary Beth Kelly
Chief Judge
Third Judicial Circuit of Michigan

Dated: November 17, 2004

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)

Act 175 of 1927

767.37a Arraignments; use of 2-way closed circuit television.

Sec. 37a. (1) Unless the defendant requests physical presence before the court, a judge or district court magistrate may conduct initial criminal arraignments and the setting of bail by 2-way closed circuit television communication between a court facility and a prison, jail, or other place where a person is imprisoned or detained. A judge or district court magistrate may conduct initial criminal arraignments and the setting of bail on weekends, holidays, or at any time as determined by the court.

(2) A 2-way closed circuit television system used pursuant to this section shall enable the accused and the judge or district court magistrate to see, hear, and communicate with each other simultaneously, and shall enable defense counsel and the prosecuting attorney, if present, to be heard by and to communicate simultaneously with the accused, the judge or district court magistrate, and opposing counsel.

(3) Except as otherwise provided by law, the public shall have access to the courtroom, with the ability to view and hear the proceedings.

(4) If proceedings conducted pursuant to this section are not recorded by an individual certified by the state court administrative office, the court shall record and maintain an original audiovisual recording of the entire proceedings. A recording made pursuant to this subsection shall become part of the court record.

(5) This act does not prohibit the use of 2-way closed circuit television for arraignments on the information, criminal pretrial hearings, criminal pleas, sentencing hearings for misdemeanor violations cognizable in the district court, show cause hearings, or other criminal proceedings, to the extent the Michigan supreme court has authorized that use.

History: Add. 1994, Act 229, Imd. Eff. June 30, 1994.