

FELONY CASE PROCESSING IN DISTRICT COURT

- A. If an interim bond is received prior to the court receiving a complaint, the clerk files the bond paperwork in a Group File awaiting the filing of a Complaint and Warrant (C&W) and the arraignment date.

- B. Court receives the C&W package from the prosecutor.
 - 1. A Complaint requires a prosecutor's written approval and authorization by a judicial officer unless security for costs is filed with the court. MCR 6.101(C)
 - 2. Judicial officer makes a probable cause determination regarding whether C&W should be authorized.
 - 3. The clerk endorses the date on which the Complaint is authorized by the judicial officer or clerk. MCR 8.119(C) and Case File Management Standards, Component 3. Complaints authorized after hours or on weekends should be date stamped according to the date the authorization occurred.
 - 4. Clerk assigns case to judge by lot or according to Local Administrative Order. MCR 8.111(B)
 - 5. Clerk assigns a case number with current year prefix and case type code. MCR 8.119(D)(1) and MCR 8.117, and Case File Management Standards, Components 1 and 2.
 - FY Non-traffic felony
 - FD Felony OWI¹ case
 - FT Felony traffic other than FD cases
 - EX Extradition and Detainer (could be filed on a misdemeanor complaint)
 - 6. Clerk reviews paperwork for additional information.
 - a. Paper plate and VIN on Repeat Offender cases.
 - b. Whether fingerprints have been taken. MCL 28.243. If fingerprints were not taken, court enters Order for Fingerprints form MC 233.
 - c. Driver record and/or CHR, depending on local practice
 - d. Interim bond
 - 7. Clerk enters case in case management system.
 - a. Multiple counts on a complaint & warrant are recorded as counts on a single case.
 - 8. Defendant not arrested
 - a. Issue either a warrant or a summons (MC 256). MCL 764.1; MCR 6.102(C) or MCR 6.103.
 - b. Record the issuance of a warrant so as to inactivate the case on the caseload report and stop the case from aging for Time Guidelines.
 - c. Warrant entered into LEIN by court or forwarded to law enforcement for entry.
 - 9. Defendant previously arrested, but posted interim bond
 - a. Enter interim bond information into case management system if available.
 - b. Calendar arraignment date from bond.
 - c. May issue notice to appear depending on local practice.

¹ The term "OWI" includes all operating while intoxicated and related offenses under the Michigan Vehicle Code (MCL 257.625), Railroad Code (MCL 462.2353), Marine Safety Act (MCL 324.80176), Off-Road Recreational Vehicle Act (MCL 324.1134), and Snowmobile Act (MCL 324.82127). See individual statutes for reference.

10. Defendant in custody. Follow local practice regarding holding arraignment. [See D.1]

C. Defendant arrested on outstanding warrant. MCR 6.102(D-F)

1. Interim bond set and posted
 - a. Court receives interim bond and receipts the bond.
 - b. If bond received without warrant, clerk shall initiate a warrant recall, form MC 220, or cancel warrant in LEIN if court-entered.
 - c. Follow procedure in B.9.
2. Interim bond not set or not posted [Follow procedure in B.10].

D. Arraignment before a judge or magistrate.

1. An arrested person must be taken without unnecessary delay before a court for arraignment. MCR 6.104(A)
2. A verbatim record is required. MCR 6.104(F)
3. Conducting an arraignment on a warrant triggers the case to become active on the caseload report and starts the case aging for Time Guidelines.
 - a. Defendant fails to appear. [Follow procedure in Misdemeanor Case Processing Outline, Section L.]
 - b. Court determines bond, if any.
 - 1) If court sets cash bond, court must also allow surety bond for full amount.
 - 2) If court allows a cash-10% bond, surety bondsman may post ¼ of the full amount of the bond.
 - 3) The court may release the defendant on personal recognizance (PR), release with conditions, or hold the defendant in custody. MCR6.106(A)
 - 4) The court must complete the Order For Pretrial Release or Custody (MC 240).
 - c. If bond is posted, defendant is released and bond is receipted and recorded in case management system. The defendant should acknowledge the terms and conditions of bond on form MC 241.
 - d. Bond may contain conditions for the protection of a named person. The clerk must complete the LEIN copy of Order of Pretrial Release (form MC240) for entry into LEIN.
 - e. Defendant violates conditional release and is arrested and brought before court on violation
 - 1) Court receives complaint on violation of conditional release.
 - 2) If agency or officer believes it is safe to do so, defendant may have been released on bond.
 - 3) Court conducts hearing on complaint of violation.
 - 4) If bond is modified, clerk enters details in case management system and completes an Amended Order for Pretrial Release (MC 240).
 - 5) If bond is revoked, clerk initiates the Removal of Entry from LEIN form (MC239) to remove the conditional bond from LEIN.
4. Clerk enters arraignment detail to activate case for Time Guidelines.
5. Next appearance date set and notices prepared; probable cause conference and preliminary examination.

- E. Amended Complaint
 - 1. Prosecutor files amended complaint, which may include a Nolle Prosequi for one or more original counts.
 - 2. Clerk disposes counts as appropriate, and adds new counts as appropriate.
 - 3. The case type code does not change because of an amended complaint.

- F. Mental Competency Evaluation MCR 6.125
 - 1. Competency may be raised at any time during the proceeding
 - 2. Court enters Order for Competency Examination, MC204.
 - a. If defense attorney files notice of Insanity Defense, court enters Order for Evaluation Relative to Criminal Responsibility, MC206.
 - b. Case placed in Inactive status until report (required by MCL 330.2028) is returned to the court by the Forensic Center. The report is required within 60 days of the date of the order.
 - 3. Clerk receives Competency Report from evaluation center.
 - a. Report shall not be opened by clerk, and is a non-public record even if admitted into evidence. MCL 330.1748, 330.1750, 330.2028, 330.2030
 - 4. Hearing on evaluation must be held within 5 days of receipt of report, or at conclusion of proceedings before the court, whichever is sooner, unless court grants adjournment on showing of good cause. MCR 6.125(E). Court enters Finding and Order on Competency, MC205.
 - a. If defendant found incompetent to stand trial, court enters such disposition for reporting on caseload.
 - b. Case may be reopened when determined competent to stand trial.

- G. Probable Cause Conference (PCC)
 - 1. Scheduled not less than 7 days or more than 14 days after the date of arraignment. MCR 6.104(E); MCL 766.4
 - 2. Codefendants must be consolidated for PCC and PE if the codefendants were arraigned at least 72 hours before the PCC. MCL 766.4(5)
 - 3. PCC is not held on the record and can be conducted by a judge or district court magistrate. MCL 600.8511(h)
 - 4. The judge should be available to take felony pleas, address requests for bond modification, or take testimony from the victim upon the prosecutor's request. MCL 766.4(3)
 - 5. If agreement is reached between the parties, the judge is required to take the misdemeanor or felony plea. MCL 766.4(3) The court must keep track of all felony pleas accepted by the district court. For more information on felony pleas in district court see [Best Practices for Probable Cause Conferences and Preliminary Examinations.](#)

- H. Preliminary Examination
 - 1. Scheduled not less than 5 days or more than 7 days after the PCC. MCR 6.104(E) MCL 766.4
 - 2. Charges dismissed on motion of prosecutor for Nolle Prosequi.
 - a. Motion/Order of Nolle Prosequi form (MC263) completed and signed by judge or district court magistrate.

- b. Any bond received is cancelled. Court retains 10% of amount posted if bond was a percent bond. MCR 6.106(I)
 - c. Clerk submits disposition to Michigan State Police Criminal Justice Information Center (MSP CJIC).
 - d. Report case on caseload as “Dismissed by Party.”
 - e. Review file. [Follow procedure in J.]
 - 3. Defendant fails to appear. [Follow procedure in Misdemeanor Case Processing Outline, Section L.]
 - 4. PE can only be waived by defendant with the consent of the prosecutor. MCL 766.7
 - 5. Preliminary Examination held.
 - a. Charges dismissed after preliminary examination.
 - 1) Order of Acquittal/Dismissal form (MC262) completed and signed by judge.
 - 2) Any bond is cancelled. Court retains 10% of amount posted if bond was a percent bond. MCR 6.106(I)
 - 3) Clerk submits disposition to MSP CJIC.
 - 4) Report case on caseload as “Dismissed by Court.”
 - 5) Review file. [Follow procedure in J.]
 - b. Bind-over to Circuit Court.
 - 1) Clerk sends to Circuit Court:
 - (a) the prosecutor's authorization for warrant, complaint,
 - (b) a copy of the register of actions,
 - (c) the examination return, and
 - (d) any recognizance (bond) received. MCR 6.110(G)
 - 2) Clerk submits disposition to MSP CJIC.
 - 3) Report case on caseload as “Transfer.”
 - 4) Review file. [Follow procedure in J.]
- I. District Court judge may conduct circuit court arraignment. MCL 766.13 This is a circuit court proceeding, and is not recorded in the district court case management system.
- J. File review at conclusion of case:
 - 1. Assure all arrest and bench warrants are contained in case file.
 - 2. Assure all bonds with conditions for the protection of a named person have been reported to circuit court for amendment in LEIN.
 - 3. Review case for outstanding bonds.