CASS COUNTY COURTS

LOCAL ADMINISTRATIVE ORDER – ELIMINATION OF CIRCUIT COURT ARRAIGNMENTS

43rd Circuit Court, LAO #2021-2

This administrative order is issued in accordance with MCR 6.113, effective January 1, 2006. This order authorizes the 43rd Circuit Court to eliminate the Circuit Court arraignment of criminal cases cognizable in the Circuit Court.

1. In all cases where the Defendant is represented by an attorney, and arrangements have been made to give the Defendant a copy of the Information, the Circuit Court need not conduct an arraignment on the Information.

    a. If the Defendant waives the preliminary examination in District Court or if the District Court conducts a preliminary examination and charges are not added or amended, the prosecutor shall serve the Defendant and Defense Counsel with a copy of the Information. The Defendant and Defense Counsel shall sign an acknowledgement of receipt. The signed acknowledgement of receipt shall indicate that a not guilty plea is entered. The acknowledgment of receipt and the original of the Information shall be provided to the District Court for forwarding to the Circuit Court Clerk.
    b. If the District Court conducts a preliminary examination and the Defendant is bound over on charges different from, or in addition to, the original charge(s), and the Information is not available at the time of bind over, within 14 days of bind over, the Prosecutor shall file an original of the Information with the Circuit Court and the prosecutor shall also provide 2 copies of the Information to Defense Counsel. It will be the responsibility of Defense Counsel to submit to the Court Defendant's signed acknowledgement of receipt.
    c. At the conclusion of the preliminary examination or waiver of it, the District Court shall provide to Defendant and Defense Counsel notice of the Circuit Court Pre-Trial Conference date.

2. Enhancement of sentence: Within 21 days after the Defendant is arraigned and bound over to Circuit Court, the Prosecutor shall file with the Circuit Court Clerk and provide 2 copies to Defense Counsel the notice of enhancement pursuant to MCL 769.13 as required by MCR 6.112(F) and file a proof of service, in compliance with MCR 2.107(D). It will be the responsibility of Defense Counsel to submit to the Court Defendant's signed acknowledgement of receipt of the enhancement of sentence notice.

Effective Date: 3/22, 2021

Honorable Susan L. Dobrich, P32783
Chief Judge