**Search Warrants**

**Daniel Norbeck** <DNorbeck@allegancounty.org> Wed, May 24, 2017 at 4:33 PM

Reply­To: madcm@googlegroups.com

To: "madcm@googlegroups.com" <madcm@googlegroups.com>

I sign search warrants aplenty, but today one of them was for a crime committed here in my County, defendant caught on scene. But one of the search warrants was for his residence in another County. I told the MSP guys that best policy was to get a Judge from that County to sign, but that I could sign it and then I did sign it. Everybody think I am OK on doing that? I know that a Judge can sign for another County, I assumed I could.

Thanks,

Dan Norbeck

Allegan County.

------------------------------------------------------------------------------------------------------------------------------------------

**Craig A. Hess** <hessc@vbco.org> Wed, May 24, 2017 at 5:00 PM

Reply­To: madcm@googlegroups.com

To: "madcm@googlegroups.com" <madcm@googlegroups.com>

I don't think you can do it out of county. I always have the Judge do it even if I get a middle if the night call. Wouldn't want to lose the evidence if I did it wrong.

------------------------------------------------------------------------------------------------------------------------------------------

**James Patrick Brennan** <jbrennan@ferndalecourt.com> Wed, May 24, 2017 at 6:30 PM

Reply­To: madcm@googlegroups.com

To: madcm@googlegroups.com

Hi Dan. It's my understanding that there are differing opinions as to whether we have authority so to be safe, I would refer it to my boss( weekend, night, whatever). Since it can be argued and possibly ruled against us, why screw around and possibly have the case thrown out after a great deal of time and money. What I don't understand is why the state police want a warrant for a residence in another county. Sounds like a fishing trip. Brennan------------------------------------------------------------------------------------------------------------------------------------------

**Sheldonlarky** via MADCM 5:34 PM

to madcm

I believe a magistrate has the authority to sign the search warrant.

Here is my research.

A search warrant may be executed by a magistrate for service outside of his or her district. People v Fiorillo, 195 Mich App 701, 704; 491 NW2d 281 (1992), lv app denied 442 Mich 903 (1993).

See also, People v One-Hundred Sixty-Two Thousand Dollars, Mich App, unpublished (No. 201567, March 16, 1999) sl op 3, approving a Livonia district judge’s authority to issue a search warrant for a Detroit house.

A magistrate may sign a search warrant to obtain cell phone records from an out of state company for calls made within the state. People v Gojcaj, Mich App, unpublished, (No. 300728, May 30, 2013). “Even though the warrants were served on a party at its office outside this state, they solely concerned transactions that occurred within this state.” Id., sl op 11.

Shel Larky

Magistrate

52-4 District Court

------------------------------------------------------------------------------------------------------------------------------------------

**Anderson, Charles W., III** via MADCM

I agree with Shel but only if MSP can show that his residence has evidence related to his crime in your county

**Jessica Testolin** via MADCM

I have done research on this as well.  A magistrate can execute a search warrant for a search not in his/her county.  And the case I have used to say I can is, *People v Fiorillo*cited by Sheldon in the previous email.I would avoid doing these if the search had to do with a crime not committed in your county.  The reason: police sometime will judge shop and it would be best not to start a practice of allowing judge shopping to happen.

As a general rule, I sign any search warrant in which the crime originated in my county and I am able to make a finding of probable cause for.

Further, I also want to point out that a magistrate can sign any search warrant that a judge can sign.  There had been some debate about this by the MSP…

Jess

------------------------------------------------------------------------------------------------------------------------------------------

**Millmore, Laura** via MADCM

I agree with Jess. The key fact is that the crime was committed in your jurisdiction.  Prosecution would be appropriate in your jurisdiction. It makes sense to authorize search warrants even if the property or place were located elsewhere.  I routinely sign warrants for phone records, Facebook, etc. related to the underlying crime investigation

------------------------------------------------------------------------------------------------------------------------------------------

**Daniel Norbeck** DNorbeck@allegancounty.org

Thank you everybody for the input.

-Dan Norbeck

------------------------------------------------------------------------------------------------------------------------------------------

**Mark Books** booksm@stjosephcountymi.org via googlegroups.com 10:59 AM

Note to remember, only if the search warrant is requested for inside the State of Michigan.  We have had crimes committed in our county where the affiant wanted to search property, or DNA  from individual that was located out of state.  Affiant has to get with local prosecutor /police to get those.

Mark