

Accepting pleas - magistrate

5 messages

Tanya Todd <tanya.todd@grcourt.org>
Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Mon, Feb 5, 2018 at 12:53 PM

Good afternoon,

How does your court handle the situation when only a magistrate is available and a defendant wants to plead guilty to an offense for which the magistrate is not authorized to accept a plea? We have walkin court, where defendants can come in anytime to plead, and are trying to avoid having to send the person away and return another day.

Thank you in advance,
Tanya Todd

61st District Court Clerk of the Court

616.632.5580

180 Ottawa Ave NW, Suite 1400

Grand Rapids, MI 49503

Tanya.Todd@grcourt.org

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James Brennan <jamesbrennanlaw64@gmail.com>
Reply-To: madcm@googlegroups.com
To: Jonathan Morse <madcm@googlegroups.com>

Mon, Feb 5, 2018 at 1:07 PM

In Ferndale, I will do the arraignment, enter a not guilty plea, set a Pretrial, appoint an attorney and bond. If Defendant demands to plea guilty, I explain that I don't have the authority. Brennan

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Skorich, Dan <SkorichD@clinton-county.org>
Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Mon, Feb 5, 2018 at 1:20 PM

Take a provisional plea, schedule the case for a sentencing date, have a pre-sentence report done if that applies, and then have the judge retake the plea and go right to sentencing on the date that was scheduled.

Dan Skorich

Magistrate/Court Administrator (P26689)

65A District Court

100 E State St, Ste 3400

St. Johns, Mi 48879

Phone: (989) 224-5150, Facsimile: (989) 224-5154

Email: skorichd@clinton-county.org

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From: madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** Tanya Todd
Sent: Monday, February 05, 2018 12:54 PM
To: madcm@googlegroups.com
Subject: Accepting pleas - magistrate

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[Quoted text hidden]

Milroy,Michael <michael.milroy@kentcountymi.gov>
Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Mon, Feb 5, 2018 at 4:37 PM

If the Magistrate is not authorized to take the plea, it is not done in this court. The defendant is arraigned and I enter a plea of "not guilty." When I know that the Judges cannot see the defendant, I do not give the defendant an opportunity to enter a plea of guilty. I rarely explain lack of authority under statute as the reason. (I am certain ego has something to do with it.) Instead I tell the defendant that for the court to be assured that a "knowing and voluntary" plea is offered a pretrial meeting with the assistant prosecutor is appropriate. I further advise the defendant that in going to the prosecutor none of the rights have been waived.

As always, "check with your chief judge."

Michael J. Milroy

63rd District Court

From: madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** Tanya Todd
Sent: Monday, February 05, 2018 12:54 PM
To: madcm@googlegroups.com
Subject: Accepting pleas - magistrate

Good afternoon,

[Quoted text hidden]
[Quoted text hidden]
[Quoted text hidden]

James Patrick Brennan <jbrennan@ferndalecourt.com>
Reply-To: madcm@googlegroups.com
To: madcm@googlegroups.com

Mon, Feb 5, 2018 at 4:59 PM

I have done it under unusual circumstances but it, also, added confusion for the clerks to make sure that the plea is taken again before the Judge. We even created a special stamp for the file but mistakes can still be made. My ego would have me taking all pleas but the legislature, in their wisdom, said no!

Sent from my iPad
[Quoted text hidden]
[Quoted text hidden]

Liz Stankewitz <liz@cheboygancounty.net>
Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Tue, Feb 6, 2018 at 11:00 AM

I take some pleas – however, we have a code in our computer that we use “PNS” which generates a notice for plea and sentencing at the same time unless I think the judge will want a PSI, then I just set for plea.

From: madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** James Patrick Brennan
Sent: Monday, February 05, 2018 4:59 PM
To: madcm@googlegroups.com
Subject: Re: Accepting pleas - magistrate

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