
Civil Infraction MIPs

5 messages

Charity Mason <cmason@mqtco.org>
Reply-To: madcm@googlegroups.com
To: madcm@googlegroups.com

Tue, Dec 5, 2017 at 10:11 AM

Okay guys, what is everyone doing for sentencing on MIP 1st after January 1? Any ideas on fine range? Also, do you have a plan for how your court will handle if the officer submits a civil infraction when it's actually a 2nd and therefore a misdemeanor? Are you just going to enter/process the way the officer writes or will you send it back and request it be reissued as a misdemeanor?

Charity

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Altheide, Dena <DAltheide@co.genesees.mi.us>
Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Tue, Dec 5, 2017 at 10:17 AM

Hi –

So I think we are going to try and encourage the defendant to set it for a formal hearing for a couple of reasons. The Prosecutor gets to look at it and make a determination as to first, second, etc. The prosecutor gets to decide if he wants to proceed with the MIP or amend it to something else. This is a dumb law and does nothing to help the defendant. My fear is that we are going to get kids coming in and pleading responsible so mom and dad don't find out and then whoops! there it goes on the driving record and the insurance goes up and then they are coming in to withdraw pleas. We will see how this works. Maybe it won't matter.

Merry Christmas!

Dena Altheide
Director of Court Operations/Magistrate
67th District Court
630 S. Saginaw, Flint, MI 48502
(810) 257-3181
(fax) 810-237-6177

From: madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** Charity Mason
Sent: Tuesday, December 05, 2017 10:11 AM
To: madcm@googlegroups.com
Subject: Civil Infraction MIPs
[Quoted text hidden]
[Quoted text hidden]

White, Michele <WhiteM@ci.kentwood.mi.us>
Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Tue, Dec 5, 2017 at 10:30 AM

1st offense fines and costs will be set at \$240.00.

Thanks,

Michele White
Court Administrator/Magistrate
62 B District Court
Telephone: 616-554-0715
Fax: 616-698-8199

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[Quoted text hidden]

White, Michele <WhiteM@ci.kentwood.mi.us>
Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Tue, Dec 5, 2017 at 10:32 AM

Oops forgot about your second part. We will enter/process what the officer cites and not send back.

From: White, Michele
Sent: Tuesday, December 05, 2017 10:30 AM
To: 'madcm@googlegroups.com' <madcm@googlegroups.com>
Subject: RE: Civil Infraction MIPs

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[Quoted text hidden]

[Quoted text hidden]

Wiewiora, John <WiewioraJo@co.muskegon.mi.us>
Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Tue, Dec 5, 2017 at 11:51 AM

At this point our plan is to have the clerk run a driving record on all MIP tickets received, whether civil infraction or misdemeanor, and bring them to a Magistrate to review. Since the law specifically states that the civil infraction is only for a first violation, we cannot accept an admission of responsibility if there was a prior violation—which would include one which was dismissed after a MIP deferral. If a civil infraction is incorrectly charged, we will administratively dismiss the ticket and send the explanation to the police officer. The same will be done if the misdemeanor charge is made and there is nothing to show a prior conviction or violation. We have not yet discussed what to do if we receive multiple civil infraction tickets for one defendant, but the statute explicitly states that there can only be one finding of responsible as a civil infraction. What is interesting about the language in the statute is it refers both to a prior violation—which would be a prior offense whether on the record or off the record due to MIP deferral—and to a prior judgment. Yet, (4) states that if a prior violation is successfully discharged after deferral, it is a prior judgment for section 1(c), not 1(b). Thus, it is arguable that if a person only has the one successfully discharged violation on their record, they cannot be charged for a civil infraction under 1(a) on a new charge as it is not a first violation, but also could not be charged with a misdemeanor under 1(b) because it is not a prior judgment for purposes of that section.

Upon a finding of responsible for a civil infraction, we would be looking at \$240 fines and costs as well.

From: madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** White, Michele
Sent: Tuesday, December 05, 2017 10:32 AM
To: madcm@googlegroups.com

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