

## search warrant for handwriting sample

4 messages

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

Mon, Feb 5, 2018 at 12:24 PM

Can a search warrant be issued to compel a person to provide handwriting samples?

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

Mon, Feb 5, 2018 at 1:28 PM

I would check with your chief judge. Some may view it as compelling a defendant to testify against himself, while others may see it as providing non-testimonial evidence. For instance, there was a recent case which distinguished between requiring a defendant to give up his passcode to his smart phone, which was seen as compelling testimony, from requiring him to place his thumb on it to open it, which was seen as non-testimonial. While I would agree authorizing search and seizure of writings already in existence would be allowed, requiring a defendant to provide new ones would not be.

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**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** Liz Stankewitz  
**Sent:** Monday, February 05, 2018 12:25 PM  
**To:** madcm@googlegroups.com  
**Subject:** search warrant for handwriting sample

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

Mon, Feb 5, 2018 at 3:28 PM

Generally speaking handwriting exemplars are not protected by the privilege against self-incrimination. A handwriting sample is an identifying physical characteristic outside the protection of the Fifth Amendment. If the content of the exemplar is not testimonial or communicative matter, it will not be protected.

Michael J. Milroy  
Attorney Magistrate  
63<sup>rd</sup> District Court

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**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** Liz Stankewitz  
**Sent:** Monday, February 05, 2018 12:25 PM  
**To:** madcm@googlegroups.com  
**Subject:** search warrant for handwriting sample

Can a search warrant be issued to compel a person to provide handwriting samples?

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

Mon, Feb 5, 2018 at 4:31 PM

Thanks fellas. When the detective came to me with the SW, I felt like the more appropriate route for them was to get an order from the court (via motion) demanding that the defendant submit to the sample. In the end that's the way they chose to go- I just wondered if anyone else out there came across the issue and how they handled it.

Regards,

Liz

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**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** Milroy,Michael  
**Sent:** Monday, February 05, 2018 3:28 PM  
**To:** madcm@googlegroups.com  
**Subject:** RE: search warrant for handwriting sample

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