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## RE: External: Re: Search Warrants and Aggregated Case

2 messages

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Jessica Testolin <testolij@co.huron.mi.us>  
Reply-To: madcm@googlegroups.com  
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Wed, May 16, 2018 at 9:43 AM

I agree with Pat on number two. The person who is swearing it out must be the signee (Usually the affidavit starts with "the affiant has been a certified police officer with X agency for X number of years and is currently investigating a X type of charge., How could you have someone else then sign for affiant?)

I agree with Pat on Number two as well. A city case and state case cannot be on the same complaint number. What suffix would you use to label it OM or SM etc...?

So the city case must be sworn out by a city officer and the state case would be sworn out by a state of sheriff officer with two separate files. The defendant can be arraigned on both at the same time, but then you list the two different case numbers.

Jessica

**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** James Patrick Brennan  
**Sent:** Tuesday, May 15, 2018 3:10 PM  
**To:** MADCM <madcm@googlegroups.com>  
**Subject:** External: Re: Search Warrants and Aggregated Case

Hi Lisa. I am not in the Court right now so I can't give you a cite. As to #1, I require the officer swearing under oath to sign. As to #2, my city attorney only has authority over city cases while the county prosecutor issues under state law. A complaint and warrant can't mix and match. If both charges are state, they can be combined in a single file. This is most common when I see a felony and a misdemeanor on a single warrant/ complaint. But if one is state and one is city, I have two files. Hope this helps

Brennan

*Sent from my Verizon 4G LTE Droid*

On May 15, 2018 2:32 PM, Lisa <ivanliere@otsegocountymi.gov> wrote:

I had a couple of things come up last week that I was wondering how you may process in your courts.

1) Search warrants - If the affiant information filled out for a specific officer is listed on the affidavit for a search warrant and a different officer comes in to swear to that warrant do you process or ask that the affiant listed be present and issue to the affiant?

2) Aggregated Case- I currently have a case filed by our prosecutor that has 2 different incidents, one is from the City Police and one is from the Sheriff's Department. The complaint only lists the sheriff departments complaint number on

the outstanding complaint and warrant. To issue the warrant how would you process? Would you have both officers give their probable cause and issue to the department that is listed on the complaint and would they both need to be present at the same time?

Thanks for you help

Lisa Van Liere

87-A District Court

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**Jessica Testolin** <[testolij@co.huron.mi.us](mailto:testolij@co.huron.mi.us)>  
Reply-To: [madcm@googlegroups.com](mailto:madcm@googlegroups.com)  
To: "madcm@googlegroups.com" <[madcm@googlegroups.com](mailto:madcm@googlegroups.com)>

Wed, May 16, 2018 at 11:59 AM

Opps this was meant to say Number one and then number two. Sorry.

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**From:** [madcm@googlegroups.com](mailto:madcm@googlegroups.com) [mailto:[madcm@googlegroups.com](mailto:madcm@googlegroups.com)] **On Behalf Of** Jessica Testolin  
**Sent:** Wednesday, May 16, 2018 9:43 AM  
**To:** [madcm@googlegroups.com](mailto:madcm@googlegroups.com)  
**Subject:** RE: External: Re: Search Warrants and Aggregated Case

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