

Mark Bos  
<mbos@miottawa.org>  
unread,  
May 21, 2021, 7:57:19 AM



to madcm@googlegroups.com

Good morning all.

Question.

Officer stops a motorist for a red light violation and to give that motorist a break he charges them with impede traffic 0 pts.

Motorist pleads N/R and ask for a hearing.

It's always been my understanding that we could not take testimony on the Impede at the hearing since that was not the violation and that we would be required to amend it back to the red light violation.

Looking for your input.

Thanks so much

Mark

Mark Bos

Magistrate

58<sup>th</sup> District Court

[mb...@miottawa.org](mailto:mb...@miottawa.org)



Skorich, Dan

<SkorichD@clinton-county.org>

unread,

May 21, 2021, 8:08:35 AM



to madcm@googlegroups.com

That's what I would do. Officer to re-issue the ticket for the red light.

*Dan Skorich*

Magistrate/Court Administrator (P26689)

65A District Court

100 E State St, Ste 3400

St. Johns, Mi 48879

Phone: [\(989\) 224-5150](tel:9892245150), Facsimile: [\(989\) 224-5154](tel:9892245154)

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**Jonathan Morse**

<jjm@co.newaygo.mi.us>

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May 21, 2021, 8:08:55 AM



to [madcm@googlegroups.com](mailto:madcm@googlegroups.com)

I have not heard of that before but I could be wrong.

I would take testimony on the charge that was alleged on the citation whether it be IMPEDE, RED LIGHT, FAIL TO YEILD, SPEED and render a decision.

Running a red light could impede and obstruct the normal flow of traffic, someone the other way may have to stop when they had a green light ? Just thoughts...

If Plaintiff wants to amend the ticket to "Red light violation" prior to the hearing starting, I would schedule another NOI a few weeks out to allow defendant to prepare a defense to that as opposed to the "impede"

Good luck.

**From:** [ma...@googlegroups.com](mailto:ma...@googlegroups.com) <[ma...@googlegroups.com](mailto:ma...@googlegroups.com)> **On Behalf Of** Mark Bos  
**Sent:** Friday, May 21, 2021 7:57 AM  
**To:** [ma...@googlegroups.com](mailto:ma...@googlegroups.com)  
**Subject:** Impede Traffic

Good morning all.



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**Millmore, Laura**  
<[Laura.Millmore@lansingmi.gov](mailto:Laura.Millmore@lansingmi.gov)>  
unread,  
May 21, 2021, 8:13:36 AM



to [madcm@googlegroups.com](mailto:madcm@googlegroups.com)

Interesting. My first question would be how did you know the original charge? And I don't think that matters in the long run because officers have that discretion. In my experience, many officers in Lansing will charge a speeding violation at 1-5 over instead of the actual speed to give motorists a break. Secondly, I would arraign on the violation charged because that is what is on the charging document.

Thanks

**From:** [ma...@googlegroups.com](mailto:ma...@googlegroups.com) <[ma...@googlegroups.com](mailto:ma...@googlegroups.com)> **On Behalf Of** Mark Bos  
**Sent:** Friday, May 21, 2021 7:57 AM  
**To:** [ma...@googlegroups.com](mailto:ma...@googlegroups.com)

**Subject:** [EXTERNAL] Impede Traffic



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gsu...@houghtoncounty.net  
<gsulisz@houghtoncounty.net>  
unread,  
May 21, 2021, 9:09:38 AM



to madcm@googlegroups.com

The ticket can be written for whatever the officer decides he wants to write it for. I would do the hearing and take testimony as written. However, if the officer has written information in the remarks section for example "65 mph in a 35" or "disregarded traffic signal" or some other type of comment that informs all parties involved that a break was given road side, I am likely to mention it at the hearing. And, a break such as impeding traffic instead of disregarding a traffic signal could still be upheld (in my opinion) since the driver did "impede" the flow of traffic by entering the intersection against the light. If the officer decides to dismiss and reissue because the defendant requested a hearing, that would be on him to defend.

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**From:** [ma...@googlegroups.com](mailto:ma...@googlegroups.com) <[ma...@googlegroups.com](mailto:ma...@googlegroups.com)> on behalf of Millmore, Laura <[Laura.M...@lansingmi.gov](mailto:Laura.M...@lansingmi.gov)>  
**Sent:** Friday, May 21, 2021 8:13 AM  
**To:** [ma...@googlegroups.com](mailto:ma...@googlegroups.com)  
**Subject:** RE: Impede Traffic



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Milroy, Michael

<michael.milroy@kentcountymi.gov>

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May 21, 2021, 4:39:47 PM



to madcm@googlegroups.com

Mark,

Most of the responses that you have received take the correct approach. The officer cited the defendant with impeding traffic. The defendant denied responsibility and a hearing was scheduled. It is business as usual, and more importantly, business per court rule/statute. You take proofs. If burden is met, then defendant is responsible (for impeding traffic). The only question is whether the defendant obstructed, impeded, or interfered with the normal flow of traffic. The testimony must be taken. If as Jonathan suggested you conclude that to run a red interfered with normal flow, then defendant is responsible. As an aside I too have gone this direction with such situations (nice work Jonathan).

I worry that any discussion from a magistrate that the defendant has received a “break” or any acknowledgment of the same calls into question the neutrality of the court. We simply should not be engaging in any such discussion at the informal hearing. To not take proofs and require amendment as you suggested does the same. Every officer in the state has discretion in citing the driver where reasonable cause exists to issue the citation. As magistrates we do not weigh in on that decision or the discretion the officer has by statute.

The bottom line, the defendant has a right to the hearing on the charged offense. If the officer at your hearing cannot meet the burden of proof on impeding traffic, then the defendant is found not responsible.

Michael J. Milroy

63<sup>rd</sup> District Court

**From:** [ma...@googlegroups.com](mailto:ma...@googlegroups.com) [mailto:[ma...@googlegroups.com](mailto:ma...@googlegroups.com)] **On Behalf Of** Mark Bos

**Sent:** Friday, May 21, 2021 7:57 AM

**To:** [ma...@googlegroups.com](mailto:ma...@googlegroups.com)

**Subject:** Impede Traffic

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**jbpahl0824**  
<jbpahl0824@gmail.com>  
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May 21, 2021, 9:51:24 PM



to madcm@googlegroups.com

I would accept the testimony of the red light violation and have no problem finding them responsible for impeding on that testimony.

Jim  
55th

Sent from my iPad

On May 21, 2021, at 7:57 AM, Mark Bos <[mb...@miottawa.org](mailto:mb...@miottawa.org)> wrote:



<image003.png>



**Elisha Fink**  
<finke@washtenaw.org>

unread,  
May 24, 2021, 11:13:35 AM



to madcm@googlegroups.com

**Agree with Jim**