

Signing Arrest Warrants????

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Casey Henning

<Casey.Henning@lenawee.mi.us>

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Jun 19, 2020, 6:39:52 PM



to Magistrate Group

Hello Everyone,

I was wondering how other Courts are handling the signing of arrest warrants right now? My Court currently isn't, except those for public safety per the order from the State.

More specifically, is a magistrate allowed to have an officer swear to a warrant and sign the complaint, but then keep the warrant and not sign until a future date? Is there a Court rule that governs signing arrest warrants? Basically if an officer is swearing to a warrant does the magistrate have to sign at the same time as the officer?

Any information would be appreciated

Thanks,

Casey Henning P80982

Attorney Magistrate | 2A District Court

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[517-264-4668](tel:517-264-4668)

casey...@lenawee.mi.us



james brennan
<jamesbrennanlaw64@gmail.com>
unread,
Jun 19, 2020, 6:56:04 PM



to Jonathan Morse

Hi Casey. Mark Nelson probably has a better answer for you but I haven't stopped signing warrants as they are presented. First, I'm signing that the officer, under oath, state the facts ad true. For that attestation, my signature has to coincide with the testimony. Second, I'm attesting that probable cause exists based upon that testimony so it should be relatively near in time. Lastly, a warrant can not be placed in lien without my signature. I have noticed a decrease in warrants being presented but that is due to the PD making fewer arredts. Today, I signed 4 for MSP and 2 for the county narc's. Hope this helps. Have a great weekend. Brennan



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Casey Henning
<Casey.Henning@lenawee.mi.us>
unread,
Jun 19, 2020, 6:58:02 PM



to madcm@googlegroups.com

thank you!!!

Casey Henning P80982

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casey...@lenawee.mi.us

From: james brennan <jamesbre...@gmail.com>

Sent: Friday, June 19, 2020 6:55:53 PM

To: Jonathan Morse

Subject: Re: Signing Arrest Warrants????



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Millmore, Laura

<Laura.Millmore@lansingmi.gov>

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Jun 19, 2020, 8:52:26 PM



to james brennan, Jonathan Morse

Good evening. I and the four judges in Lansing have not stopped signing warrants. With that being said, the city attorney and the Ingham County Prosecutor's Office have a backlog of warrants and are now presenting them to the court. The warrants are processed electronically with the ICPO and the officer's submit them with an affidavit of probable cause. The officer signs the affidavit and the complaint and forwards the packet to the judge or magistrate. We review the packet and sign the warrant the date we review it and forward the electronic copy to the criminal clerks who further process and enter into LEIN. I think the process works really well overall. Every once in a while you get a charge on the complaint that is not supported by the affidavit, but we send it back to the officer for further information.

Hope that helps.

Laura

54A in Lansing

Sent from my iPad

> On Jun 19, 2020, at 6:56 PM, james brennan <jamesbre...@gmail.com> wrote:
>



wedget
<wedget@stjosephcountymi.org>
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to madcm@googlegroups.com

We have also continued to sign arrest warrants. We have left it to law enforcement as to if/when they opt to initiate arrest.

Tabitha Wedge
3B District

On Jun 19, 2020, at 6:58 PM, Casey Henning <Casey....@lenawee.mi.us> wrote:



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Mark Nelson
<nelsonm@washtenaw.org>
unread,
Jun 22, 2020, 8:43:17 AM



to madcm@googlegroups.com

My experience is similar to Pat's.

Our prosecutor will request warrants on assaultive crimes. The court is issuing on Probation Violations.

We are often presented cases that request a summons in lieu of a warrant. If a warrant is presented MCR 6.102(A) says the warrant must be signed when presented. 6.103 allows a summons instead of arrest warrant at the request of the prosecutor. So it all hinges on who the prosecutor presents the case.

Hope this helps.

Mark

Mark W. Nelson

Magistrate / Court Administrator

14B District Court

7200 S. Huron River Drive

Ypsilanti, MI 48197

From: ma...@googlegroups.com <ma...@googlegroups.com> on behalf of Casey Henning <Casey...@lenawee.mi.us>

Sent: Friday, June 19, 2020 6:58:00 PM

To: ma...@googlegroups.com <ma...@googlegroups.com>

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Casey Henning
<Casey.Henning@lenawee.mi.us>
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Jun 22, 2020, 9:13:28 AM



to madcm@googlegroups.com

Thank you everyone,

My Court has only been signing those warrants deemed necessary for public safety and we have only been issuing bench warrants necessary for public safety. Now my Court wants the Magistrates to have officers swear to warrants, but the magistrates won't sign until weeks later if the defendant appears for his/her next court date, then we are supposed to sign at that point, without an officer present. Our Prosecutor's Office never stopped issuing warrants, so the Police Departments have piles waiting to be signed.

Are there any Courts that aren't signing warrants right now?

Casey Henning P80982

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casey....@lenawee.mi.us

From: Mark Nelson <nel...@washtenaw.org>

Sent: Monday, June 22, 2020 8:43:14 AM

To: ma...@googlegroups.com



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