

DISTRICT COURT - 35TH JUDICIAL DISTRICT

660 PLYMOUTH RD., PLYMOUTH, MICHIGAN 48170-1891

734-459-4740 FAX 734-454-9303

www.35thdistrictcourt.org

RONALD W. LOWE
CHIEF DISTRICT JUDGE

JOHN E. MACDONALD
DISTRICT JUDGE



MICHAEL J. GEROU
CHIEF JUDGE PRO TEM

DEBRA KUBITSKEY
COURT ADMINISTRATOR

Local Administrative Order 2008 - 13

This order rescinds Local Administrative Order 2007-23

APPOINTMENT OF NON-ATTORNEY MAGISTRATE

In accordance with MCL 600.8501 and 600.8503, and upon approval of the State Court Administrative Office (SCAO),

IT IS ORDERED:

1. The judges of the 35th District Court appoint Linda Gable as emergency magistrate with the approval of Canton Township.
2. Linda Gable:
 - a. Is registered as an elector in the district
 - b. Will serve at the pleasure of the judges of the district court.
 - c. ~~Will~~ take the constitutional oath of office.
 - d. ~~Will~~ file a performance bond in the amount of \$50,000.
 - e. ~~Will~~ complete a training course in traffic law adjudication and sanctions given by the SCAO.
3. Magistrate Linda Gable is authorized to perform the following duties:
 - a. Arraign and sentence upon pleas of guilty or nolo contendere for violations of the following acts or parts of acts, or a local ordinances substantially corresponding to the following acts or parts of acts, if the maximum permissible punishment does not exceed 90 days in jail, a fine, or both:
 - 1) SPORT FISHING, part 487 of the natural resources and environmental protection act, MCL 324.48701 to 324.48740;
 - 2) WILDLIFE CONSERVATION, part 401 of the natural resources and environmental protection act, MCL 324.40101 to 324.40119;

- 3) MARINE SAFETY, part 801 of the natural resources and environmental protection act, MCL 324.80101 to 324.80199;
- 4) MOTOR CARRIER ACT, MCL 475.1 to 479.43;
- 5) MOTOR CARRIER SAFETY ACT, MCL 480.11 to 480.22;
- 6) DOG LAW OF 1919, MCL 287.261 to 287.290;
- 7) MICHIGAN LIQUOR CONTROL CODE, MCL 436.1703 and 436.1915;
- 8) GENERAL POWERS AND DUTIES, part 5 of the natural resources and environmental protection act, MCL 324.501 to 324.511;
- 9) LITTERING, part 89 of the natural resources and environmental protection act, MCL 324.8901 to 324.8907;
- 10) HUNTING AND FISHING LICENSES, part 435 of the natural resources and environmental protection act, MCL 324.43501 to 324.43561;
- 11) RECREATIONAL TRESPASS, part 731 of the natural resources and environmental protection act, MCL 324.73101 to 324.73111; and
- 12) TRESPASS, MCL 750.546 to 750.552b.

b. Arraign and sentence upon pleas of guilty or nolo contendere for violations of the Michigan vehicle code, 257.1 to 257.923, or a local ordinances substantially corresponding to provisions of the Michigan vehicle code, if the maximum permissible punishment does not exceed 93 days in jail, a fine, or both, except for violations of MCL 257.625 and 257.625m or local ordinances substantially corresponding to these provisions. However, the magistrate is authorized to arraign defendants and set bond with regard to violations of MCL 257.625 and 257.625m or local ordinances substantially corresponding to these provisions. [MCL 600.8511(b)]

c. Arraign and sentence upon pleas of guilty or nolo contendere for violations of the following acts, if the maximum permissible punishment does not exceed 93 days in jail, a fine, or both:

- 1) OFF-ROAD RECREATION VEHICLES, part 811 of the natural resources and environmental protection act, MCL 324.81101 to 324.81150 or local ordinances substantially corresponding to these provisions, except for violations of MCL 324.81134 and 324.81135. However, the magistrate is authorized to arraign defendants and set bond with regard to violations of MCL

324.81134 and 324.81135; and

- 2) SNOWMOBILE, part 821 of the natural resources and environmental protection act, MCL 324.82101 to 324.82160 or local ordinances substantially corresponding to these provisions, except for violations of MCL 324.82128 and 324.82129. However, the magistrate is authorized to arraign defendants and set bond with regard to violations of MCL 324.82128 and 324.82129.
- d. Accept a plea of guilty or nolo contendere and impose sentence for misdemeanor or ordinance violations punishable by a fine and which is not punishable by imprisonment by the terms of the statute or ordinances creating the offenses. [MCL 600.8512a(b)]
- e. Issue search warrants under specific authorization on individual cases. [MCL 600.8511(g)]
- f. Issue warrants for the arrest of persons upon the written authorization of the prosecuting or municipal attorney and set pre-arraignment bonds. Written authorization is not required for vehicle law or ordinance violations within the jurisdiction of the magistrate if a police officer issued a traffic citation in accordance with MCL 257.728 and the defendant failed to appear. [MCL 600.8511(e)]
- g. Fix bail and accept bond in all criminal cases. Set bond and order the defendant to appear before the circuit court in the county for a hearing when the person has been arrested for violation of a personal protection order and the circuit court judge may not be present or available within 24 hours after arrest. [MCL 764.15b(3)]
- h. Conduct first appearances of defendants before the court in all criminal and ordinance violation cases, including acceptance of any written demand or waiver of preliminary examination and acceptance of any written demand or waiver of jury trial. However, the magistrate may only accept pleas of guilty or nolo contendere expressly authorized under MCL 600.8511 or MCL 600.8512a. [MCL 600.8513(1)]
- i. Conduct arraignments for a contempt of court violation or a probation violation, if the violation arises directly out of a criminal case for which the magistrate has authority to conduct the first appearance and involves the same defendant, and if the maximum permissible penalty for the offense does not exceed one year in jail, a fine, or both. The magistrate may accept a plea and set bond, but may not conduct a contempt or probation violation hearing or sentencing. [MCL 600.8511(d)]
- j. Hear and preside over civil infraction admissions and admissions with explanation, and conduct informal hearings in civil infraction actions, and impose

all sanctions allowed by statute, under the authority of MCL 600.8512a(a), MCL 600.8512 (traffic and parking civil infractions), 600.8719 (municipal civil infractions), MCL 600.8819 (state civil infractions), and other applicable sections of these acts. Informal hearings involving traffic or parking violations shall not be conducted until the magistrate has successfully completed the SCAO training course in traffic law adjudication and sanctions.

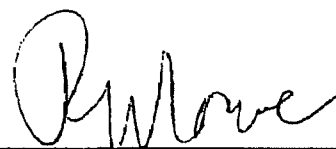
- k. Approve and grant petitions for the appointment of attorneys to represent indigent defendants accused of misdemeanor offenses punishable by imprisonment for not more than one year or ordinance violations punishable by imprisonment. [MCL 600.8513(2)(a)]
- l. Suspend payment of court fees by an indigent parties of any civil, small claims, or summary proceedings action, until after judgment has been entered. [MCL 600.8513(b)]
- m. Upon written authorization of the prosecuting or city attorney, sign a nolle prosequis, dismissing any criminal or ordinance violation cases over which the district has jurisdiction and release any bail bond or bail bond deposit to the persons entitled to them, unless the preliminary examination or trial has commenced or a plea of guilty or nolo contendere has been accepted by a district court judge. [MCL 600.8512(2)(c)]
- n. Execute and issue process to carry into effect authority expressly granted by law to district court magistrates. [MCL 600.8513(2)(d)]
- o. Administer oaths and affirmations and take acknowledgments in writing. [MCL 600.8317]
- p. Perform marriages and charge a fee of \$10 which shall be deposited with the court for transmission to the funding unit at the end of each month. [MCL 600.8316]
- o. Issue summonses to appear and show case why the animal should not be destroyed, issued other preliminary orders, conduct hearings, and make necessary dispositive orders, regarding animals alleged to be dangerous and to have caused serious injury or death to a person or a dog. [MCL 287.322]

4. Notwithstanding anything herein to the contrary, this appointment is subject to the letter agreement dated October 18, 2007 among the 29th District Court, the 35th District Court and Linda Gable.

Effective Date: 4/14/08

Date: 4/4/08

Chief Judge Signature: _____



Judge Ronald W. Lowe