

**STATE OF MICHIGAN**

**IN THE CIRCUIT COURT FOR THE COUNTY OF KENT**

**IN RE: PROCESSING OF CRIMINAL CASES      LOCAL ADMINISTRATIVE  
ORDER: 2008-04**

At a session of said Court, held in the Kent County Courthouse  
in the City of Grand Rapids, in said County on  
May 12, 2008.

Present: HONORABLE PAUL J. SULLIVAN  
Chief Circuit Judge

It is the intent of this Court to incorporate its criminal case processing practices into a single local administrative order that provides an orderly protocol to follow for judicial assignment. This Court utilizes a filing system which does not assign the same number to cases against co-defendants, allegedly involved in the same criminal conduct, but assigns a different case number to each defendant. Although criminal cases which arise out of the same episode could more efficiently and effectively be handled by one judge, the possibility exists that different judges could be assigned these cases.

Additionally, the purpose of this order is to avoid judge-shopping, which would undermine the integrity of the assignment-by-lot process mandated by MCR 8.111(B), and take into account the new judgeship created in January 1, 2007, will be assigned a split Family and Civil/Criminal docket and therefore only one-half of the criminal case types given to the other Civil/Criminal Division Judges.

Finally, because of the individual docket system adopted by the 17<sup>th</sup> Circuit Court Judges, and to benefit all the parties involved, the need exists for the early identification of the Circuit Judge prior to bindover in all felony cases.

**IT IS HEREBY ORDERED that:**

1. The following definitions apply for purposes of this order:
  - a. “Co-defendants” are individuals charged with crimes arising out of the same criminal incident or episode.

- b. “Filing” means either
      1. The receipt of the felony complaint in the Circuit Court Clerk’s Office; or
      2. The entry of a felony guilty plea in district court, at which time a circuit court case number and judge are assigned.
    - c. “Pending” means any case in which the defendant has not been sentenced, or any case in which the defendant has been sentenced by a judge of this Court to a term of probation, which term remains outstanding.
  2. The Kent County Clerk’s Office/Courts Division will assign judges at bindover. For the benefit of the parties and in strict accordance with provisions set forth by the LAO, identification of the Circuit Judge prior to the preliminary hearing will be performed by the Kent County Prosecutor and/or the Kent County Clerk’s Office/Courts Division as set forth by this LAO.
  3. If a defendant has a pending case, the new case will be assigned to the judge assigned to the defendant’s pending case.
  4. All criminal cases against co-defendants arising from the same criminal conduct are to be assigned to the same judge and are to be processed together for all purposes, including trial, unless and until the assigned judge, on motion of any party or on the Court’s own motion, determines to sever the cases for any appropriate reason.
  5. If one of the co-defendants has a pending case, even though separate and apart from the same criminal incident or episode, all of the cases will be assigned to the judge on the pending case. If none of the co-defendants have a pending case, judicial assignment will be determined by the first defendant to receive a random judicial assignment.
  6. If more than one co-defendant has a pending case, the judge assignment will be based on the defendant whose case is the oldest. If the first defendant does not have a pending case, each co-defendant’s name will be checked for a pending case beginning with the co-defendant with the next oldest filed date, and the case will be assigned to the first judge found to have a pending case. If a co-defendant is bound over after the others have already been assigned a judge, the co-defendant will be assigned the same judge assigned to the co-defendants.
  7. Once the District Court Judge ascertains which judge of this Court will be assigned the case in which the plea is about to be taken, the Circuit Judge so identified is to be the judge to whom the case is assigned whenever it is filed in this Court, whether as a result of the anticipated plea, bindover without a plea or a plea of guilty entered later.

8. If a defendant's case is dismissed and subsequently re-filed, the case will be assigned to the judge that had been assigned originally. The Prosecutor's Office will be responsible for bringing this to the attention of the court.
9. If a defendant's case is dismissed, and a new, unrelated case is filed before the first case is re-filed, then the re-filed case will be assigned to the judge on the pending case.
10. If after assignment, the judge assigned the case determines that, by some criteria listed in this Local Administrative Order, the case should be reassigned to another judge, then the order to reassign will be prepared by the judicial staff of the judge doing the reassignment and submitted to the Chief Judge for approval.
11. Court Administration will regularly review with the Chief Judge the proportionality of judicial assignments and recommend adjustments as needed.
12. As required by MCR 8.112(B)(3), this Order was submitted to the State Court Administrator for review. Accordingly, as is permitted by MCR 8.111(B), this Order supersedes the customary provision of said rule with regards to criminal cases filed in this Court. It also rescinds this Court's Local Administrative Order 2006-06 and 2008-02.

Date: 05/12/08

/s/ \_\_\_\_\_  
Paul J. Sullivan  
Chief Circuit Judge