

**STATE OF MICHIGAN
IN THE DISTRICT COURT FOR THE 55TH JUDICIAL DISTRICT
COUNTY OF INGHAM**

Administrative Order 2005 - 04

APPOINTMENT OF ATTORNEY MAGISTRATE

Repealed

IT IS ORDERED:

This administrative order is issued in accordance with MCL 600.8501; MSA 27A.8501 and MCL 600.8503; MSA 27A.8503. The purpose of this order is to appoint an attorney magistrate to perform specified duties upon approval by the State Court Administrative Office.

1. The judges of the 55th District Court appoint Krista Krause as magistrate with the approval of the Ingham County Board of Commissioners.

2. Krista Krause:

- a. Is registered as an elector in Ingham County.
- 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 with the Ingham County treasurer and chief judge.
- e. Will complete a training course in traffic law adjudication and sanctions given by the State Court Administrator's Office.
- f. Is licensed to practice law in Michigan.

3. Magistrate Krista Krause is authorized to perform the following duties:

- a. To arraign and sentence upon pleas of guilty or nolo contendere for violations of the following acts or parts of acts, or a local ordinance substantially corresponding to these acts or parts of acts, when authorized by the chief judge of the district court and if the maximum permissible punishment does not exceed 90 days in jail or a fine, or both:
 - 1) SPORT FISHING SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.48701 to 324.48740 of the Michigan Compiled laws;
 - 2) WILDLIFE CONSERVATION SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994,

being sections 324.40101 to 324.40199 of the Michigan Compiled Laws;

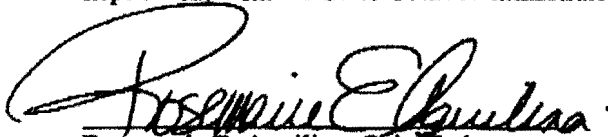
- 3) MARINE SAFETY SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.80101 to 324.80199, except for violations of section 80176(1) and (3) of the Michigan Compiled Laws;
- 4) THE MOTOR CARRIER ACT, Act No. 254 of the Public Acts of 1933, as amended, being sections 475.1 to 479.43 of the Michigan Compiled Laws;
- 5) MOTOR CARRIER SAFETY ACT of 1963, Act No. 181 of the Public Acts of 1963, as amended, being sections 480.11 to 480.22 of the Michigan Compiled Laws;
- 6) DOG LAW OF 1919, Act No. 339 of the Public Acts of 1919, as amended, being sections 287.261 to 287.290 of the Michigan Compiled Laws;
- 7) MICHIGAN LIQUOR CONTROL CODE of the Public Acts of 1998, as amended, being sections 436.1703 and 436.1915. Possession of an alcoholic beverage by a person under 21 years of age. Consumption of an alcoholic beverage in public parks or places of amusement not licensed to sell for consumption on the premises;
- 8) GENERAL POWERS AND DUTIES SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.501 to 324.511 of the Michigan Compiled Laws;
- 9) LITTERING SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.8901 to 324.8907 of the Michigan Compiled Laws;
- 10) HUNTING AND FISHING LICENSES SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.43501 to 324.43561 of the Michigan Compiled Laws;
- 11) RECREATIONAL TRESPASS ACT, Act No. 451 of the Public Acts of 1994, being sections 324.73101 to 324.73111 of the Michigan Compiled Laws; and

- 12) Chapter LXXXV of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.546 to 750.552b of the Michigan Compiled Laws. Include prohibitions on illegal dumping of garbage or trash.
- b. To arraign and sentence upon pleas of guilty or nolo contendere for violations of the MICHIGAN VEHICLE CODE, Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws or a local ordinance substantially corresponding to a provision of the Michigan Vehicle Code except for violations of MCL 257.625 and 257.625m or a local ordinance substantially corresponding to a provision of MCL 257.625 and 257.625m when authorized by the chief judge of the district court and if the maximum permissible punishment does not exceed 93 days in jail or a fine, or both. However, the magistrate may have the jurisdiction to arraign defendants and set bond with regard to violations of MCL 257.625 and 257.625m or a local ordinance substantially corresponding to MCL 257.625 and 257.625m.
 - c. To arraign and sentence upon pleas of guilty or nolo contendere for violations of the following acts or a local ordinance substantially corresponding to a provision of the following acts except for violations of MCL 324.81134, 324.81135, 324.82128, and 324.82129 or a local ordinance substantially corresponding to MCL 324.81134, 324.81135, 324.82128, and 324.82129 when authorized by the chief judge of the district court and if the maximum permissible punishment does not exceed 93 days in jail or a fine, or both. However, the magistrate may have the jurisdiction to arraign defendants and set bond with regard to violations of MCL 324.81134, 324.81135, 324.82128, and 324.82129:
 - 1) SNOWMOBILE SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.82101 to 324.82160 of the Michigan Compiled Laws; and
 - 2) OFF-ROAD RECREATION VEHICLES SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.81101 to 324.81150 of the Michigan Compiled Laws.
 - d. To accept a plea of guilty or nolo contendere and impose sentence for a misdemeanor or ordinance violation punishable by a fine and which is not punishable by imprisonment by the terms of the statute or ordinance creating the offense.
 - e. To administer oaths and affirmations and take acknowledgment in writing.
 - f. Issue misdemeanor and felony warrants for the arrest of a person upon the written authorization of the prosecuting or municipal attorney and set pre-

shall equalize cases by casetype and a record of all cases transferred and/or reassigned shall be maintained for audit and tracking purposes. This reassignment does not represent the true disparity in the original number of cases assigned, however, it does create a more balanced caseload for the Honorable Rosemarie E. Aquilina from the commencement of Judge Boyd's assignment. A detailed list of the 2005 audit by casetype and cases reassigned will be kept on file with this order.

In an effort to verify the equal assignment of cases in the 55th District Court, a monthly audit will be conducted that assesses the number of cases assigned to each judge by case type on a random basis.

As proof of the existing problem, the case management vendor will also provide a report indicating the assignment of the total number of cases to each 55th District Court Judge during the 2000, 2001, 2002, 2003 and 2004 fiscal years. All pertinent information regarding the reassignment of cases will be provided to the Region II Administrator to be kept on file with the State Court Administrators Office.


Rosemarie E. Aquilina, Chief Judge

15 NOV 05
Date

The Court Administrator will be responsible for collecting and reporting the data required by this order.

2. Appointment Process

Attorneys may submit a letter to the Court Administrator or individual judges requesting appointment to represent indigent defendants. Each judge will review the letters and credentials submitted requesting appointment. An attorney may be reappointed yearly.

3. Compensation

Attorneys will be paid \$75.00 per case to be billed when all of the cases for the month have been adjudicated. The attorney is responsible for all indigent cases assigned during the life of the contract. The budget documentation of the court will be the reference document for payment.

4. Maintenance of Records

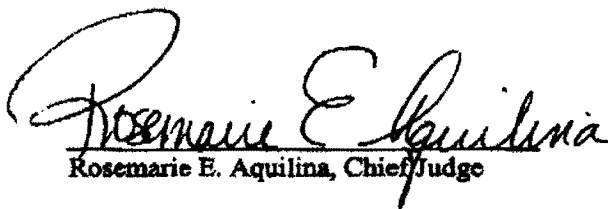
The following records will be maintained by the court:

- Number of appointments given to each attorney by the court.
 - Number of appointments given to each attorney by each judge of the court.
 - Total amount of public funds paid to each attorney by the court.
 - Total amount of public funds paid to each attorney for assignments by each judge of the court.
- These records will be made available to the public for inspection at the court by submitting a request to the Court Administrator. There will be no charge for the inspection.

These records are maintained by the court pursuant to SCAO General Schedule 16.

Effective Date: August 1, 2005

Date: 01 December 05


 Rosemarie E. Aquilina, Chief Judge