Berrien County Trial Court

Thomas E. Nelson, Chief Judge - Brian E. Ray, Administrator
Courthouse - 811 Port Street - St. Joseph, MI 49085
(269) 983-7111, Ext. 8453 - FAX (269) 982-8634
www.berriencounty.org

Administrative Order 2015-05
Rescinds Administrative Order 2008-02

APPOINTMENT OF ATTORNEY MAGISTRATE

In accordance with Administrative Order 2009-6, effective January 1, 2010, and MCL 600.8501 and 600.8503, and upon approval of the State Court Administrative Office (SCAO),

IT IS ORDERED:

1. The judges of the Fifth District Court appoint Robert J. Clark as attorney magistrate with the approval of Berrien County Board of Commissioners. The magistrate's contact information is:

Name	Robert J. Clark
Bar Number	P40658
Court Address	Berrien County Trial Court
	811 Port Street
	St. Joseph, MI 49085
Phone Number	269-684-5274, Ext. 6265
E-mail Address	rclark@berriencounty.org

It is the responsibility of the magistrate to notify the State Court Administrative Office of changes in the individual's contact information during the course of the appointment.

2. Robert J. Clark

   a. Is a registered elector in the County of Berrien.
   b. Will serve at the pleasure of the judges of the district court.
   c. Has taken the constitutional oath of office.
   d. Has filed a performance bond in the amount of $50,000 with the Berrien County treasurer and chief judge.

e. Has completed a training course in traffic law adjudication and sanctions given by SCAO.
f. Is licensed to practice law in Michigan.

3. Robert J. Clark 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 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 [MCL 600.8511(a)]:

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 324.40120;

3) MARINE SAFETY, part 801 of the natural resources and environmental protection act, MCL 324.80101 to 324.80199;

4) The MOTOR CARRIER ACT, MCL 475.1 to 479.43;

5) MOTOR CARRIER SAFETY ACT, MCL 480.11 to 480.25;

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 324.513;

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 750.552c.

b. Arraign and sentence upon pleas of guilty or nolo contendere for violations of the Michigan vehicle code, MCL 257.1 to 257.923, or 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 [MCL 600.8511(c)]:

   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 pleas of guilty or nolo contendere and impose sentence for misdemeanor or ordinance violations punishable by a fine and that are not punishable by imprisonment by the terms of the statutes or ordinances creating the offenses. [MCL 600.8512a(b)]

e. Issue search warrants under general authorization. [MCL 600.8511(g); MCL 780.651(4)]

f. Issue warrants for the arrest of persons upon 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); MCL 764.1(5)]

g. Fix bail and accept bond in all criminal cases. [MCL 600.8511(f)] 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 will not be present or available within 24 hours after an 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, admissions with explanation, motions to set aside default or withdraw admissions, 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 indigent parties in civil, small claims, or summary proceedings actions, until after judgment has been entered. [MCL 600.8513(2)(b)]

m. Upon written authorization of the prosecuting or city attorney, sign nolle prosequis, dismissing any criminal or ordinance violation cases over which the district court has jurisdiction and release any

bail bonds or bail bond deposits 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 600.8513(2)(c)]

n. Execute and issue process to effectuate 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]

q. Issue summonses to appear and show cause why the animal should not be destroyed, issue 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]

r. Hear cases in the small claims division of the district court. [MCL 600.8401, MCL 600.8427, MCL 600.8514]

s. Conduct probable cause conferences and all matters allowed at the probable cause conference, except for the taking of pleas and sentencings, under MCL 766.4. [MCL 600.8511(h)]

t. Issue a suppression order for a search warrant affidavit. [MCL 780.651(9)]

u. Issue a suppression order for a search warrant tabulation until the final disposition of the case unless otherwise ordered. [MCL 780.655(2)]

Effective Date:

2/11/15
Dated:

Thomas E. Nelson, Trial Court Chief Judge