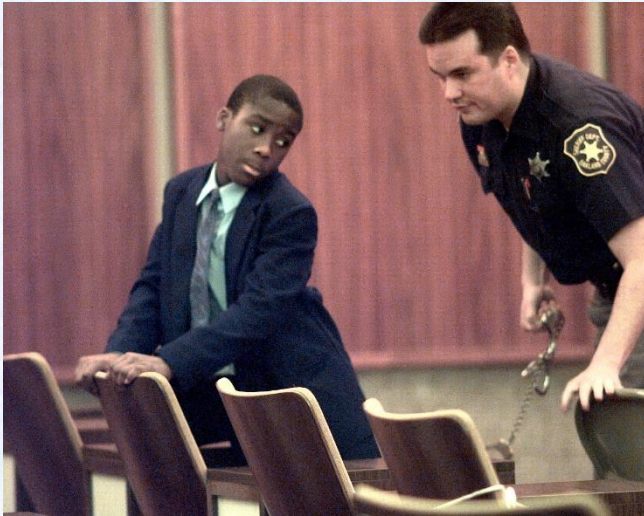


Waivers and Designated Proceedings



Scott Hamilton

Manager, Judicial Support/Judicial Assistant
6th Judicial Circuit Court – Family Division
Oakland County, Michigan

**What are we talking
about with Waivers
and Designations?**

Answer

Adult Sentencing

How are they different?

Generally speaking. . .

Waiving a Case

- Tried *as* an adult in Circuit Court
- Minimum age
- Up to 2 sentencing options, depending on the crime
- Very old

Designating a Case

- Tried *in the same manner as* an adult in Juvenile Court
- No minimum age (7?, 10?)
- 3 sentencing options
- Relatively new

Part 1

**Waiving a juvenile to the
adult court**

Part 1 - Waivers

A little history regarding waivers

- **1905:** First “juvenile courts” established by law. Delinquents were boys under 16 and girls under 17. No waiver.
- **1907:** Adult court jurisdiction possible for a child over 14. No waiver hearing required. Felonies only. Prosecutor-driven.
- **1923:** Waiver hearing required for a child over 15. Felonies only. Prosecutor must file the motion.
- **1969:** Waiver hearing required for a child over 15. Felonies only, on the prosecutor’s motion or the court’s.
- **1988:** Automatic waiver enacted for children 15 and older.
- **1996:** Age for waiver drops to 14.
- **2012:** Miller v Alabama says that the court must consider aggravating and mitigating factors in order to sentence a juvenile to life without parole.

Part 1 - Waivers

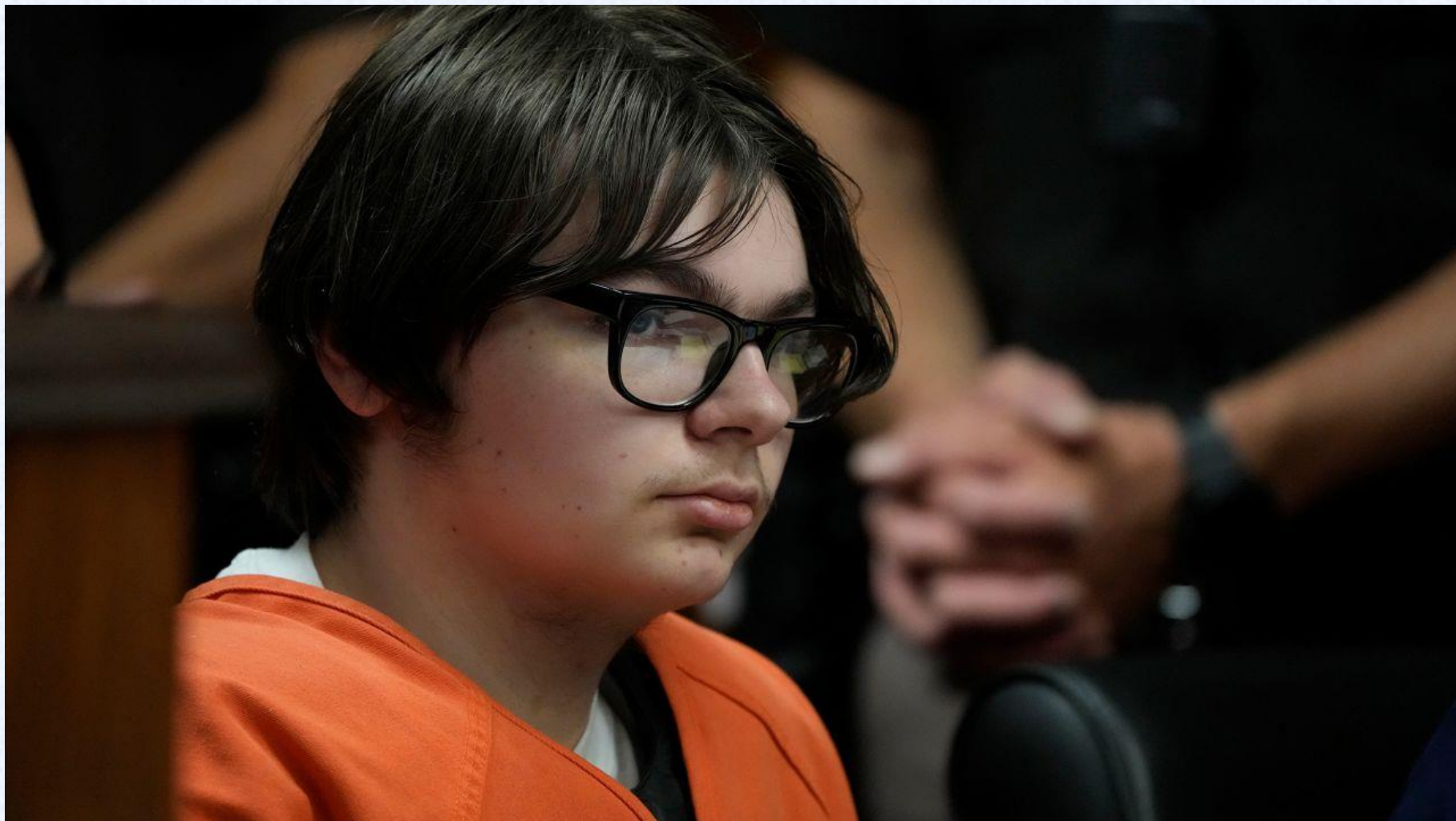
How do you waive a case?

Answer

- Automatic Waiver – MCL 712A.2(a)(1)
 - Prosecutor makes the decision to waive. Hence, it's “automatic”.
 - Nothing happens in juvenile court.
- Traditional Waiver – MCL 712A.4
 - Juvenile court judge makes the decision to waive.
 - Must hold a “waiver” hearing in juvenile court.
 - Waiver? – goes to adult court for a pretrial or preliminary exam.
 - No Waiver? – Stays in juvenile court as a normal DL case.

Part 1 – Waivers

Automatic



What can be automatically waived?

Specified Juvenile Violations - [MCL 712A.2\(a\)\(1\)](#)

- Murder – 1st degree, 2nd degree, attempted
- Assault GBH if armed w/ dangerous weapon
- Assault w/int to murder
- Kidnapping
- CSC 1st degree
- Arson 1st degree
- Armed Robbery, Assault w/intent to rob while armed
- Home Invasion 1st if armed w/ dangerous weapon
- Carjacking
- Bank Robbery, Safe Breaking
- Delivery/Manufacture of a CS 1000 or more grams
- Escape from a secure juvenile facility

Part 1 - Waivers

What can be traditionally waived?

Answer

**Any felony or
high misdemeanor**

MCL 712A.4(3)

What must the court consider?

Many factors - MCL 712A.4(4), MCR 3.950(D)(2)(d)

Phase one: Must have probable cause to believe the juvenile committed a felony. Can be waived.

- **Phase two:** Then, the court will consider –
 - Seriousness of the offense
 - Juvenile's level of culpability
 - Juvenile's prior delinquency record
 - Juvenile's programming history
 - Adequacy of juvenile punishment/programming
 - Dispositional options available
 - Any defense stipulations that it's in the juvenile's best interest to waive.
- **No phase 2 if defendant was previously waived.**

Part 1 - Waivers

What's the "standard of proof"?

Phase one: Probable Cause

Phase two: Best interests
of the juvenile and the
public.

What JC Forms come into play?

3 Forms

JC 18

JC 86

JC 87

JC 18 – Motion to Waive Jurisdiction

STATE OF MICHIGAN 6th JUDICIAL CIRCUIT - FAMILY DIVISION OAKLAND COUNTY	MOTION TO WAIVE JURISDICTION AND NOTICE	CASE NO. PETITION NO. JUDGE
--	--	--

Court address
1200 N. Telegraph Rd., Pontiac MI 48341

Court telephone no.
(248) 858-0112

In the matter of _____
First and last name(s), alias(es)

MOTION

1. The above named juvenile was born on _____ and was at least 14 years old at the time of committing the alleged felony. Date
2. The juvenile is accused of the following felony, which I believe s/he did commit: _____

3. The interests of the juvenile and/or the public will best be served by granting a waiver of jurisdiction to the court of general criminal jurisdiction of this county.
4. A petition alleging the juvenile committed the above offense is attached.
 was authorized for filing _____ Date

I REQUEST:

5. A date be set for hearing on this motion and the juvenile and his/her parents/guardians/legal custodians be notified as provided by statute and by statute and court rule that the juvenile is to be prosecuted as though an adult.
6. The court determine if there is probable cause to believe that a felony has been committed and that there is probable cause to believe that the juvenile has committed the offense as charged, and then determine whether the interests of the juvenile and the public would best be served by granting a waiver of jurisdiction.
7. The court waive jurisdiction in this case to the court of general criminal jurisdiction in order that the juvenile may be prosecuted as though an adult.

I declare under the penalties of perjury that this motion has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date

Prosecuting attorney's signature

Bar no.

NOTICE

TO: _____

YOU ARE NOTIFIED: a hearing on the above motion will be held on _____
Date and time

at _____

YOU ARE FURTHER NOTIFIED: the juvenile has a right to be represented by counsel as follows:

- a. The juvenile has the right to be represented by an attorney.
- b. If you desire to employ an attorney, you should do so immediately in order that the attorney may be ready on the hearing date.
- c. If you are financially unable to employ an attorney and you desire the services of an appointed attorney, you must notify the court immediately on receipt of this notice. If you want an appointed attorney, a determination will be made whether you are financially unable to employ an attorney or to reimburse, in whole or in part, the cost of those services.

If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully to participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN
6th JUDICIAL CIRCUIT - FAMILY DIVISION
OAKLAND COUNTY

ORDER AFTER FIRST-PHASE HEARING
TO WAIVE JURISDICTION
(DELINQUENCY PROCEEDINGS)

CASE NO.
PETITION NO.
JUDGE

ORI
MI- 632025J

Court address
1200 N. Telegraph Rd., Pontiac MI 48341

Court telephone no.
(248) 858-0112

In the matter of _____

First and last name(s), alias(es)

CTN/TCN

SID

1. Date of hearing: _____ Judge: _____

2. The prosecuting attorney filed a timely motion to waive jurisdiction over the juvenile on the following offense(s):
(Specify each count and the MCL citation.)

3. Notice of hearing was given as required by court rule.

4. The juvenile has appeared in court in person with parent(s), guardian, legal custodian, or guardian ad litem, and
 was represented by an attorney. waived representation by an attorney.

5. a. The proofs made and evidence received are on the record.
 b. The juvenile waived the first-phase probable-cause hearing under MCR 3.950(D)(1)(c)(ii).

THE COURT FINDS:

6. There is is not probable cause to believe that an offense has been committed that if committed by an adult would be a felony.

7. a. The prosecuting attorney presented legally admissible evidence establishing each element of the following offense(s) and probable cause that the juvenile, who was 14 years of age or older on the date of the offense(s), committed the offense(s):

b. The prosecuting attorney has not presented the legally admissible evidence necessary to establish each element of the following offense(s) and probable cause that the juvenile, who was 14 years of age or older on the date of the offense(s), committed the offense(s):

8. The matter must be adjourned for the following good cause:

IT IS ORDERED:

9. The motion to waive jurisdiction is denied. The juvenile is released pending trial of the matter in the family division.

10. The second-phase hearing shall be held on _____
Date and time

Date

Judge signature and date

JC 86 – Order after Phase One Hearing

STATE OF MICHIGAN 6 th JUDICIAL CIRCUIT - FAMILY DIVISION OAKLAND COUNTY	ORDER AFTER SECOND- PHASE HEARING TO WAIVE JURISDICTION (DELINQUENCY PROCEEDINGS)	CASE NO. PETITION NO. JUDGE
ORI MI-632025J	Court address 1200 N. Telegraph Rd., Pontiac MI 48341	Court telephone no. (248) 858-0112

In the matter of _____ <small>First and last name(s), alias(es)</small>	CTN/TCN	SID
--	---------	-----

1. Date of hearing: _____ Judge: _____

2. A first-phase hearing on a motion to waive jurisdiction over the juvenile for the following offense(s) was
- held on _____.
 - not held pursuant to MCR 3.950(D)(1)(c)(i).
 - waived pursuant to MCR 3.950(D)(1)(c)(ii).
- (specify each count and the MCL citation)

3. Notice of hearing was given as required by court rule.
4. The juvenile has appeared in court in person with parent(s), guardian, legal custodian, or guardian ad litem, and
 was represented by an attorney. waived representation by an attorney.
5. The findings of fact, including those required by MCR 3.950(D)(2)(d), proofs made, evidence received, and conclusions of law are on the record.

THE COURT FINDS:

6. The prosecuting attorney has has not established by a preponderance of the evidence that the best interests of the juvenile and the public would be served by waiver.
7. It is is not in the best interests of the juvenile and the public to waive jurisdiction over the juvenile. Findings of fact and conclusions of law forming the basis for entry of the waiver order are on the record.

IT IS ORDERED:

8. The motion to waive jurisdiction is denied. The juvenile is released pending trial of the matter in the family division.
9. The motion to waive jurisdiction is granted, and this matter is transferred to the court having general criminal jurisdiction for arraignment of the juvenile on an information.

 Judge signature and date

JC 87 – Order after Phase Two Hearing

What happens at sentencing?

Auto-waived case (MCR 6.901 – 6.931 applies)

- **Specified** – adult sentence only
- **Non-specified** – Juvenile sentencing hrg.
 - Adult sentencing, or,
 - Probation + commitment to DHHS *(if P of E says its in public's/juvenile's B.I.'s)*

Traditionally-waived case

- Sentenced as an adult

What about Life Without Parole Cases?

(i.e., Murder 1, Terrorism, Poisoning, Bombing)

Miller v Alabama, 567 US 460 (2012)

and other USSC and MSC cases

Part 1 - Waivers

LWOP for non-homicides

Can't do it.

LWOP for homicides

Can do it,
but only after a Miller hearing.

Miller hearing

Aggravating and Mitigating Factors

“Irreparably Corrupt”

*Prosecutor must prove this by a “Clear
and Convincing” standard*

Sentencing Hearing to Follow

Part 2

Designating a Juvenile to be tried like an adult

MCL 712A.2e

MCR 3.951 – 3.956

Designation Statute Enacted

August 1, 1996



Part 2 - Designations

How do you designate a case?

Answer

- Prosecutor-designated
 - Prosecutor makes the decision to waive. Hence, it's "automatic".
 - Case goes directly to the assigned FD trial judge after a preliminary examination before a separate judge.
- Court-designated
 - **FD judge #1** decides at a "designation" hearing, along with the exam.
 - Designated? – goes to **FD judge #2** to be tried using adult court rules.
 - No Designation? – goes to the trial FD judge or referee as a normal DL case.

What can the Prosecutor Designate?

Specified Juvenile Violations - [MCL 712A.2\(a\)\(1\)](#)

- Murder – 1st degree, 2nd degree, attempted
- Assault GBH if armed w/ dangerous weapon
- Assault w/int to murder
- Kidnapping
- CSC 1st degree
- Arson 1st degree
- Armed Robbery, Assault w/intent to rob while armed
- Home Invasion 1st if armed w/ dangerous weapon
- Carjacking
- Bank Robbery, Safe Breaking
- Delivery/Manufacture of a CS 1000 or more grams
- Escape from a secure juvenile facility

Part 2 - Designations

What can the court designate?

Answer

Any Offense
(not limited to felonies)

What's the Process?

Prosecutor-designated:

- 1. Arraignment** *MCR 3.951(A)*: A referee can conduct the arraignment. Similar to an adult arraignment.
 - w/in 24 hours after custody (can adjourn - 7 days)
 - Read the charges.
 - Read the rights of the accused.
 - Tell the accused the adult sentencing possibilities.

- 2. Preliminary exam** *MCR 3.953*: Judge #1 - felonies.
 - Within 14 days of the arraignment

- 3. Trial** *MCR 3.954*: Judge #2.

What's the Process?

Court-designated:

- 1. Arraignment** *MCR 3.951(B)*: Referee or judge.
- 2. Designation Hearing** *MCR 3.951(B)*: Referee or judge #1.
 - Within 14 days of the arraignment
- 3. Preliminary Exam** *MCR 3.953*: Judge #1 - felonies.
 - Within 14 days of the designation hearing
- 4. Trial** *MCR 3.954*: Judge #2.

Part 2 - Designations

What's the Designation hearing all about?

Is there a “Preponderance of Evidence” that it is in the B.I. of the juvenile and the public to designate the case.

Factors to consider: MCR 3.952(C)(3)

- **Offense seriousness** (weapons, victim impact, etc).
- Juvenile's culpability.
- **Prior delinquency record** (police, school).
- Programming Hx and juvenile's participation in it.
- Adequacy of JJ system programming/punishment.
- Dispositional options available to the juvenile.

Part 2 - Designations

How to “dispose” of a Designated Case – Pt. 1

Is there a “Preponderance of Evidence” that it is in the B.I. of the public to sentence the juvenile as an adult.

Factors to consider: **MCR 3.955(A)**

- **Offense seriousness** (weapons, victim impact, etc).
- Juvenile’s culpability.
- **Prior delinquency record** (police, school).
- Programming Hx and juvenile’s participation in it.
- Adequacy of JJ system programming/punishment.
- Dispositional options available to the juvenile.

Reports – Juvenile “Social History” and Adult “PSI”

Part 2 - Designations

How to “dispose” of a Designated Case – Pt. 2

3 Options: **MCR 3.955(C) – (E)**

- **(C) – adult sentencing hearing** (*MCR 6.425*)
- **(D) – Delayed imposition of adult sentence (“blended” sentence)**
 - An order of disposition is entered – anything under MCL 712A.18.
 - Then, the case is reviewed periodically.
- **(E) – juvenile disposition hearing** (*MCR 3.943*)



gettyimages®
Credit: Bill Pugliano

Part 2 - Designations

The Review Process for “Blended” Option

MCR 3.956, MCL 712A.18i

Questions for the review hearings:

- ✓ Is the juvenile rehabilitated?
- ✓ Does the juvenile present a serious risk to public safety?

Part 2 - Designations

The Review Process for “Blended” Option

MCR 3.956

Timing:

- Annual reviews
- Mandatory review: w/in 42 days of the juvenile’s 19th birthday.
 - *(Did something get missed with “Raise the Age”?)*
- Optional review: at the request of an agency if agency believes juvenile is rehabilitated and doesn’t pose a public danger.
- Final review: w/in 91 days of the end of probation.

Part 2 - Designations

Extending Jurisdiction/Adult Sentencing

MCR 3.956(A)(4)(a)

BOP = P of E that juvenile isn't rehabbed OR presents a serious risk to public safety.

Requirements: Court must consider –

- Juvenile's participation in school, counseling & work
- Accepting responsibility?
- Behavior in placement
- Prior record, character, maturity
- Potential for violence
- Institutional recommendations
- Other info from Prosecutor and defense

Part 2 - Designations

Final Review - Adult Sentencing?

MCR 3.956(A)(4)(b)

BOP = Would the best interests of the public be served by imposing an adult sentence?

Requirements: Court must **ALSO** consider –

- The effect of treatment on rehabilitation.
- Is the juvenile likely to be dangerous if released?
- The best interests of public welfare and protection of public security.

Part 2 - Designations

Blended Sentence – Other ways to be sentenced as an adult?

MCR 3.956(B)

Option 1: violate your juvenile probation by being convicted of or adjudicated for a felony offense.

Option 2: violate your juvenile probation some other way. The court can –

- Give you an adult sentence, or
- Change your juvenile disposition

Part 2 – Designations - Forms

JIS Code: NOD

STATE OF MICHIGAN 6 th JUDICIAL CIRCUIT - FAMILY DIVISION OAKLAND COUNTY	NOTICE OF HEARING (DESIGNATED CASE)	CASE NO. PETITION NO. JUDGE
--	--	--

Court address
1200 N. Telegraph Rd., Pontiac MI 48341

Court telephone no.
(248) 858-0112

In the matter of _____
First and last name(s), alias(es)

TO:

JC 67

Notice of Hearing

TAKE NOTICE: A hearing will be held on _____ at _____
Date and time Location before Judge/Referee

FOR THE FOLLOWING PURPOSE:

- Designation Arraignment Preliminary examination Designation hearing Pretrial Trial
 Review hearing Probation violation hearing Rehearing Sentencing

Disposition

Other: _____
Describe

Mandatory review hearing: The court may revoke probation and impose sentence at this hearing. At the review hearing within 42 days of the juvenile's 19th birthday, the court may extend jurisdiction over the juvenile or impose a sentence, including incarceration.

Final review hearing: If the court determines that the best interests of the public would be served by imposing any other sentence provided by law for an adult offender, the court may impose the sentence, including incarceration.

RIGHT TO AN ATTORNEY:

The juvenile has a right to be represented by an attorney. If the juvenile wants an attorney, you should hire one immediately so the attorney will be ready on the hearing date. If you or those responsible for the juvenile's support are financially unable or refuse to provide an attorney, the court should be contacted immediately about an appointed attorney. If an attorney is appointed, the juvenile, and/or the persons responsible for the juvenile's support, may be responsible for paying the costs of an appointed attorney after an ability to pay is determined.

Court rules require the appointment of an attorney for juveniles in certain cases. If the juvenile falls under this category, an attorney will be appointed.

Part 2 – Designations - Forms

JC 50

Arrestment

PCS Code: OAR TCS Code: OARR		
STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	ORDER AFTER ARRAIGNMENT (DESIGNATED CASE)	CASE NO. PETITION NO. JUDGE
Court address		Court telephone no.

In the matter of _____
First and last name(s), alias(es)

THE COURT FINDS:

1. The court has received a petition or request to designate this case alleging that the juvenile comes within the provisions of MCL 712A.2.

2. Notice of hearing was given as required by law.

3. The juvenile appeared with parent(s) guardian(s) legal custodian(s) guardian ad litem attorney.

4. The juvenile is charged with an offense that requires collection of biometric data and it has has not been collected.

5. a. The juvenile should be released with conditions without conditions for the reasons
 stated on the record. in the attached written memorandum.
 b. Conditions are necessary for the juvenile's release to reasonably ensure the
 juvenile's appearance in court.
 safety of the public.

6. The juvenile should be detained/continued in detention because:

a. There is probable cause to believe the juvenile committed the offense. **OR**
 The juvenile is represented by an attorney and waived the probable cause determination.

AND

b. One or more of the following circumstances is present:

The offense alleged is so serious that release would endanger public safety.
 The juvenile is charged with a felony offense and will likely commit another offense pending trial if released, and
 another petition is pending against the juvenile. the juvenile is on probation.
 the juvenile has a prior adjudication but was not under the court's jurisdiction at the time of apprehension.
 There is substantial likelihood that if the juvenile is released to the parent(s), guardian, or legal custodian (with or without conditions), the juvenile will fail to appear at the next court proceeding.
 The home conditions of the juvenile make detention necessary.
 The juvenile has run away from home.
 The juvenile has failed to remain in a detention facility or nonsecure facility or placement (in violation of a valid court order).
 Pretrial detention is otherwise specifically authorized by law.

Approved, SCAO
Form JC 50, Rev. 12/22
MCR 3.935, MCR 3.951
Page 1 of 3

Part 2 – Designations - Forms

JC 68

Order after

Designation Hrg

JIS Code: OAI

STATE OF MICHIGAN 6 th JUDICIAL CIRCUIT - FAMILY DIVISION OAKLAND COUNTY		ORDER AFTER DESIGNATION HEARING	CASE NO. PETITION NO. JUDGE
Court address 200 N. Telegraph Rd., Pontiac MI 48341		Court telephone n (248) 858-01	
In the matter of _____ First and last name(s), alias(es)			
City/Township/Village _____		County in Michigan _____	CTN _____ SID _____
Date: on or about _____	Charge(s) _____	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor
Reporter/Recorder _____	Certification no. _____	Represented by counsel _____	Bar n _____

Date of hearing: _____ Judge/Referee: _____

THE COURT FINDS:

1. The prosecuting attorney filed a petition alleging the juvenile comes within the provisions of MCL 712A.2(a)(1) and requesting the court designate the case as one in which the juvenile be tried in the same manner as an adult.

2. Notice of hearing was given as required by law. Findings of fact as to each factor for designating an offense and conclusions of law were placed on the record or will be incorporated in a written opinion.

4. The best interests of the juvenile and public would would not be served by the juvenile being tried in the family division of the circuit court in the same manner as an adult on the offense(s) _____
 charged. of _____

IT IS ORDERED:

5. The request that the case be designated is granted. denied.

The case is set for preliminary examination on _____
Date and time
in the _____ courtroom located at _____
before Hon. _____.

The case is set for trial pretrial on _____
Date and time
in the _____ courtroom located at _____
before Hon. _____.

6. Pending trial, the juvenile shall
 continue in custody pursuant to the prior court order.
 continue to be released on bond pursuant to the prior court order.
 be released or placed in custody pursuant to the attached order.

Judge signature and date

Part 2 – Designations - Forms

JC 69 Order after Preliminary Examination

JIS Code: DPI

STATE OF MICHIGAN 6 th JUDICIAL CIRCUIT - FAMILY DIVISION OAKLAND COUNTY		ORDER AFTER PRELIMINARY EXAMINATION (DESIGNATED CASE)	CASE NO. PETITION NO. JUDGE
Court address 1200 N. Telegraph Rd., Pontiac MI 48341			Court telephone no (248) 858-0112
In the matter of _____ First and last name(s), alias(es)			
City/township/village	County in Michigan	CTN	SID
Date: on or about	Charge(s)	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor	Maximum penalty
Witnesses			
Date	Judge	Bar no	
Reporter/Recorder	Certification no.	Represented by counsel	Bar no

EXAMINATION WAIVER

- I, the juvenile, am represented by an attorney. I understand that I have a right to a preliminary examination where it must be shown that there is probable cause to believe that a crime was committed and probable cause to believe that I committed the crime.
- I voluntarily waive my right to a preliminary examination and understand that I will be tried as an adult in the family division of the circuit court on the crime(s) charged.

Date

Juvenile

Juvenile's attorney

ORDER

3. Preliminary examination has been waived. The waiver was freely, understandingly, and voluntarily given.
4. Preliminary examination was held and it was found that
- probable cause exists to believe both that the offense charged was committed and the juvenile committed the offense.
 - an offense did not occur or there is not probable cause to believe the juvenile committed the offense charged.
 - probable cause exists to believe that a different offense of _____ was committed and the juvenile committed that offense.
 - The case should be set for hearing to determine whether the court should designate a case in which the juvenile is to be tried as an adult in the family division of the circuit court.

Part 2 – Designations - Forms

JC 70 Judgment of Conviction

JIS Code: JOC

STATE OF MICHIGAN 6 TH JUDICIAL CIRCUIT – FAMILY DIVISION OAKLAND COUNTY	JUDGMENT OF CONVICTION (DESIGNATED CASE)	CASE NO. and JUDGE
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ORI MI- 632025J	Court address 1200 N. Telegraph Rd., Pontiac MI 48341	Court telephone no. (248) 858-0112
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In the matter of _____ <small>First and last name(s), alias(es)</small>	CTN/TCN	SID
--	---------	-----

- Date of trial/hearing: _____ Judge: _____
- A petition has been filed in this matter and notice of hearing has been served as required by law.
- The case was designated by the prosecutor court for trial of the juvenile in the same manner as an adult.
- The juvenile appeared in court in person with parent(s), guardian, legal custodian, or guardian ad litem, and was represented by an attorney. waived representation by an attorney.

THE COURT FINDS

- The juvenile was found guilty on _____ of the crime(s) as stated below.
Date

Count	CONVICTED BY			DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC Code
	Plea*	Court	Jury			

* For plea, insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill. For dismissal, insert "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff.

- The juvenile's biometric data has has not been collected in accordance with MCL 28.243.

IT IS ORDERED:

- The juvenile is convicted of the crime(s) stated above.
- Sentencing is set for _____ at _____ courtroom
Date and time
 at _____ before Hon. _____
Location
- The juvenile shall report to the county sheriff within 24 hours for biometric data collection.

Part 2 – Designations - Forms

JIS Code: JOS

STATE OF MICHIGAN 6 th JUDICIAL CIRCUIT - FAMILY DIVISION OAKLAND COUNTY	JUDGMENT OF SENTENCE <input type="checkbox"/> COMMITMENT TO JAIL (DESIGNATED CASE)	CASE NO. PETITION NO. JUDGE
ORI MI- 632025j	Court address 1200 N. Telegraph Rd., Pontiac MI 48341	Court telephone no. (248) 858-0112

In the matter of _____
First and last name(s), alias(es)

CTN/TCN	SID	DOB
---------	-----	-----

1. Date of hearing: _____ Judge: _____

THE COURT FINDS:

2. The juvenile was found guilty on _____ of the crime(s) as stated below.
Date

Count	CONVICTED BY			DISMISSED By*	CRIME	CHARGE CODE(S) MCL citation/PACC Code
	Plea*	Court	Jury			

*Insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill, "D" for dismissed by court, or "NP" for dismissed by prosecutor/plaintiff.

3. The offense adjudicated is abstractable to the Secretary of State under MCL 257.625(21)(a), MCL 257.732, MCL 324.80131, MCL 324.81134(20), or MCL 324.82157.

The juvenile's driver's license number is _____.

4. The licensing sanction is reportable to the Michigan State Police under MCL 257.625(21)(b).

Revoked. Suspended _____ days. Restricted _____ days.

5. HIV testing is required and has been completed. Sex offender registration is required and has been completed.

6. The juvenile has been fingerprinted according to MCL 28.243 for all offenses punishable by 93 days or more.

7. A DNA sample is already on file with the Michigan State Police from a previous petition. No assessment is required.

8. Specific findings of fact and law, including findings regarding each factor in MCL 712A.18(1)(o), were made on the record.

9. The best interests of the public would be served by sentencing the juvenile as an adult.

10. The juvenile used a firearm in committing the crime. Jail time should be credited toward required detention.

11. The order delaying sentence dated _____ should be revoked and sentence imposed.

JC 71

Judgment of Sentence - Jail

Part 2 – Designations - Forms

JIS Code: JCC

STATE OF MICHIGAN 6 th JUDICIAL CIRCUIT - FAMILY DIVISION OAKLAND COUNTY	JUDGMENT OF SENTENCE COMMITMENT TO DEPARTMENT OF CORRECTIONS (DESIGNATED CASE)	CASE NO. PETITION NO. JUDGE
--	--	--

ORI MI- 632025j	Court address 1200 N. Telegraph Rd., Pontiac MI 48341	Court telephone no (248) 858-0112
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In the matter of _____ <small>First and last name(s), alias(es)</small>	CTN/TCN	SID	DOB
--	---------	-----	-----

1. Date of hearing: _____ Judge: _____

THE COURT FINDS:

2. The juvenile was found guilty on _____ of the crime(s) as stated below.
Date

Count	CONVICTED BY			DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC Code
	Plea*	Court	Jury			

* Insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill, "D" for dismissed by court, or "NP" for dismissed by prosecutor/plaintiff.

3. The offense adjudicated is reportable to the Secretary of State under MCL 257.625(21)(a), MCL 257.732, MCL 324.80131, MCL 324.81134(20), or MCL 324.82157.

The juvenile's driver's license number is _____.

4. The licensing sanction is reportable to the Michigan State Police under MCL 257.625(21)(b).

Revoked. Suspended _____ days. Restricted _____ days.

5. HIV testing is required and has been completed. Sex offender registration is required and has been completed.

6. The juvenile's biometric data has been collected according to MCL 28.243 for all offenses punishable by 93 days or more.

7. A DNA sample is already on file with the Michigan State Police from a previous petition. No assessment is required.

8. Specific findings of fact and law, including findings regarding each factor in MCL 712A.18(1)(o), were made on the record.

9. The best interests of the public would be served by sentencing the juvenile as an adult.

10. The juvenile used a firearm in committing the crime.

11. The order delaying sentence dated _____ should be revoked and sentence imposed.
imposed.

JC 72

Judgment of

Sentence - MDOC

Part 2 – Designations - Forms

JC 73 Order Delaying Sentence

JIS Code: DL

STATE OF MICHIGAN 6 th JUDICIAL CIRCUIT - FAMILY DIVISION OAKLAND COUNTY	ORDER DELAYING SENTENCE (DESIGNATED CASE)	CASE NO. PETITION NO. JUDGE
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ORI MI- 632025j Court address 1200 N. Telegraph Rd., Pontiac MI 48341 Court telephone n (248) 858-01

In the matter of _____ First and last name(s), alias(es)	CTN/TCN	SID	DOB
---	---------	-----	-----

1. Date of hearing: _____ Judge: _____

THE COURT FINDS:

2. A judgment of conviction for the following offense(s) was entered on _____ Date _____

Count	CONVICTED BY			DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC Code
	Plea*	Court	Jury			

* Insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill, "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff.

3. The offense adjudicated is abstractable to the Secretary of State under MCL 257.625(21)(a), MCL 257.732, MCL 324.80131, MCL 324.81134(20), or MCL 324.82157.

The juvenile's driver's license number is _____.

4. The licensing sanction is reportable to the State Police under MCL 257.625(21)(b).

Revoked. Suspended _____ days. Restricted _____ days.

5. HIV testing is required and has been completed. Sex offender registration is required and has been completed.

6. The juvenile's biometric data has been collected according to MCL 28.243 for all offenses punishable by 93 days or more.

7. A DNA sample is already on file with the Michigan State Police from a previous petition. No assessment is required.

8. Specific findings of fact and law, including findings regarding each factor in MCL 712A.18(1)(o), were made on the record.

9. The best interests of the public would be served by sentencing juvenile as an adult. A sentence of imprisonment should be delayed.

10. The juvenile used a firearm in committing the crime and must be placed in detention.

IT IS ORDERED:

11. The sentence of imprisonment is delayed until further order of the court.

12. The juvenile is placed on probation in the temporary custody of the court. (see separate order)

Part 2 – Designations - Forms

JC 74

Order of Probation

(For placing a

Juvenile on adult

probation)

JIS Code: OOP

STATE OF MICHIGAN 6 TH JUDICIAL CIRCUIT - FAMILY DIVISION OAKLAND COUNTY		ORDER OF PROBATION (DESIGNATED CASE) (Part 1)	CASE NO. and JUDGE
ORI MI-632025J	Court address 1200 N. Telegraph Rd., Pontiac MI 48341	Court telephone no. (248) 858-0112	
In the matter of First and last name(s), alias(es)		CTN/TCN	SID
Juvenile's address and telephone no.			
Probation officer		Term	
Offense(s)		<input type="checkbox"/> Sentence delayed under MCL 712A.18(1)(o)	

Pursuant to 18 USC 922(g)(8), the court found, at a hearing, that the juvenile represents a credible threat to the physical safety of one or more persons as defined in 18 USC 922(g)(8) and 18 USC 921(a)(32) and named in item 8.
**Needed for NCIC entry.

IT IS ORDERED that the juvenile is placed on probation under the supervision of the probation officer named above for the term indicated, and the juvenile shall

- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|------------|----|-------|-------|----|-------|-------------|----|-------|-------------------------|----|-------|---------------------|----|-------|-----------------|----|-------|----------------|----|-------|-------|----|-------|-------|----|------------|
| <ol style="list-style-type: none"> 1. not violate any criminal law of any unit of government. 2. not leave the state without the consent of this court. 3. make a truthful report to the probation officer monthly, or as often as the probation officer may require, either in person or in writing, as required by the probation officer. 4. notify the probation officer immediately of any change of address or employment status. <input type="checkbox"/> 5. not purchase or possess a firearm. **Needed for NCIC entry. | <ol style="list-style-type: none"> 6. pay the following to the court. <table border="0"> <tr><td>Fine</td><td>\$</td><td>_____</td></tr> <tr><td>Costs</td><td>\$</td><td>_____</td></tr> <tr><td>Restitution</td><td>\$</td><td>_____</td></tr> <tr><td>Crime Victim Assessment</td><td>\$</td><td>_____</td></tr> <tr><td>State minimum costs</td><td>\$</td><td>_____</td></tr> <tr><td>Supervision fee</td><td>\$</td><td>_____</td></tr> <tr><td>DNA assessment</td><td>\$</td><td>_____</td></tr> <tr><td>Other</td><td>\$</td><td>_____</td></tr> <tr><td>Total</td><td>\$</td><td>_____ 0.00</td></tr> </table> | Fine | \$ | _____ | Costs | \$ | _____ | Restitution | \$ | _____ | Crime Victim Assessment | \$ | _____ | State minimum costs | \$ | _____ | Supervision fee | \$ | _____ | DNA assessment | \$ | _____ | Other | \$ | _____ | Total | \$ | _____ 0.00 |
| Fine | \$ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Costs | \$ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Restitution | \$ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Crime Victim Assessment | \$ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | |
| State minimum costs | \$ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Supervision fee | \$ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | |
| DNA assessment | \$ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other | \$ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | \$ | _____ 0.00 | | | | | | | | | | | | | | | | | | | | | | | | | | |

7. a. The total amount due shall be paid in installments of \$ _____ per _____ starting on _____
Date _____
and paid in full by the due date on the judgment of sentence or order delaying sentence, or by _____.
Date _____
- b. The due date for payment is _____.
Date _____

The supervision fee is payable immediately and applies to all delayed sentences.
Fines, costs, and fees not paid within 56 days of the date owed are subject to a 20% late penalty on the amount owed.

Part 2 – Designations – Eventing a Delayed Sentence



Knowledge Article 10469

Located here:

micourt.courts.michigan.gov

Part 2 – Designations – Eventing a Delayed Sentence

Some DJ Case Eventing Codes

1. **PRH:** Prelim held, if detained
2. **OFPH:** Order after Preliminary Hearing
3. **ARR:** Arraignment hearing or ARO – Arraignment only, if not initially detained
4. **OAAH:** Order after Arraignment Hearing
5. **PRX:** Preliminary examination held
6. **OPE:** Order After Preliminary Examination
7. **PTH:** Pretrial hearing held
8. **JOC:** Judgment of Conviction Order, if juvenile pleads to charge(s)
9. **DSP:** Dispositional Hearing held
10. **ODS:** Order Delaying Sentence (Ex: if child is 150)
Comment line: DHHS PA150 / Delayed Adult – Blended Sentence
11. **OFID:** Order Following Initial Disposition Hearing
12. **PCN: PLACEMENT CHANGE NOTICE**

This code follows the hearing and order that removed the child from the home or the child changed placement and remains out of the home. **It doesn't mean it always follows the OFID code entry.***



**Bellamy Creek Correctional Facility – Ionia, Michigan
Sentenced in 2019 to 6 to 40 years**

QUESTIONS?

Scott Hamilton

6th Judicial Circuit Court (Oakland Co.)

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(248) 858-0977

What's going on with Fines, Fees, Costs?

- **Attorney fees**
- **CVRA Fee**
- **HIV Fee**
- **DNA Fee**
- **Out of home placement costs**
- **In-home placement costs**
- **Restitution**
- **Minimum State Costs**
- **Fines for delinquent offenses**

What's left after JJ Reform?

- **CVRA Fee**
- **Restitution**