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Date: 8/30/2013 10:45 PM
Subject: ADM File No. 2013-24

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Larry Royster
Clerk, Michigan Supreme Court
P.O. Box 30052
Lansing, Michigan 48090

Re: ADM File No. 2013-24

Dear Mr. Royster:

I have seen the guidelines used as a means to attempt to pressure defendants into pleas by not giving the attorney enough time to prepare. I have heard of the guidelines being used unequally and unfairly in that a judge will give some attorneys greater latitude in setting trial dates while holding other attorneys not liked by the judge to a strict and repressive guideline. That needs to stop and I would suggest that there be an advisory within the order that advises the judges that guidelines must be applied equally and fairly and to allow an attorney adequate time to prepare the case. Further, I think the advisory should say that the guidelines shall not be used to remove a court appointed attorney from a criminal case unless the attorney cannot try the case within 154 days. This again, prevents a judge from using the guidelines to get rid of attorneys that the judge doesn't like who might be more zealous than other attorneys.

I would ask that capital cases should be specifically slotted for the 154-301 trial track. Unless there is only one witness and the discovery is limited, it is virtually impossible to adequately prepare within 90 days from the bind over for a capital case. Attorneys need time for investigation and for plea negotiations as well as trial preparation.

I would also ask that the 90 days start at the arraignment rather than the bind over date. Many times you want to try to resolve a case but the

prosecutor needs time to contact the Officer in Charge and complainant to get their feedback on any offers. Many times the complainant is difficult to reach so then the case gets blind drawn to a trial judge and put on the trial track and the chances of the case getting resolved is less likely. In Wayne County, judges handling arraignments will only keep a case 21 days after the bind over because they don't want to put the squeeze on the trial judge to try the case in a short period of time because the arraignment judge kept the case for too long.

Thank you for considering these comments.

Sincerely,

Susan K. Rock