



THIRD JUDICIAL CIRCUIT
OF MICHIGAN

ROBERT J. COLOMBO, JR.
CHIEF JUDGE

701 COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE
DETROIT, MICHIGAN 48226-3413

(313) 224-5430

April 27, 2016

Office of Administrative Counsel
P. O. Box 30052
Lansing, Michigan 48909

Re: ADM File no. 2015-27

Dear Sir/Madam:

My comments relate to Michigan Indigent Defense Counsel Proposed Standard #4, Counsel at First Appearance and other Critical Stages.

In 2014, 11,696 felony cases were filed in the Third Judicial Circuit Court (Wayne County). 11,044 felony cases were filed in 2015.

Proposed Standard #4 will impose substantial costs with little benefit to defendants or district courts in Wayne County. At a pay rate of \$50.00 per case (the lowest Third Judicial Circuit Court fee amount permitted since 1998), the costs to the county or state for the first appearance by counsel would be \$584,800.00 for filings equal to 2014 and \$552,200.00 for filings equal to 2015.

At the first appearance in felony cases, bond will be set along with probable cause conference dates. In 36th District Court felony arraignments (approximately 60% of all felony cases in Wayne County) and in all weekend and holiday arraignments throughout Wayne County, Pre-Trial Services bond recommendations are provided to the judges and/or magistrates. Additional information can be provided to the district court judges at the probable cause conference scheduled one week after the arraignment on the warrant.

Attorneys assigned to the first appearance will have neither the time nor the resources to provide the district judges or magistrates with more information than Pre-Trial Services.

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The likely expenditure of over half a million dollars at district court felony arraignments will diminish the amount of money that could be spent on expert witnesses, investigators, and compensation for assigned defense counsel.

On behalf of the Third Judicial Circuit Court, I urge the Court not to impose Proposed Standard #4 on all jurisdictions for felony arraignments. Counsel at the first court appearance should be discretionary for district courts in felony cases. This would permit district courts with high-felony volumes to avoid large financial expenditures with small benefit to defendants or courts.

Very truly yours,

A handwritten signature in cursive script that reads "Robert J. Colombo, Jr." The signature is written in black ink and is positioned above the typed name.

Hon. Robert J. Colombo, Jr.
Chief Judge, Third Judicial Circuit Court

RJC/k