



**THIRD JUDICIAL CIRCUIT
OF MICHIGAN**

TIMOTHY M. KENNY
CHIEF JUDGE

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DOCKET DIRECTIVE 2022 – 01

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT**

**SUBJECT: CROSS-ASSIGNMENT OF CIVIL JUDGES TO RESOLVE THE
BACKLOG OF CARRYING A CONCEALED WEAPON (CCW)
CASES IN THIRD CIRCUIT COURT**

This Docket Directive is issued pursuant to MCR 8.110 and is necessary to address the backlog of cases with the single charge of carrying a concealed weapon (CCW).

It Is Ordered That:

Effective: January 25, 2022

1. Civil Division Judges Hon. Patricia Fresard, Hon. Brian Sullivan, Hon. Annette Berry, Hon. Qiana Lillard, Hon. David A. Groner, and Hon. Timothy M. Kenny are cross-assigned to the Criminal Division to assist with the backlog of cases with the single charge of carrying a concealed weapon (CCW).
2. For purposes of this project alone and pursuant to MCR 1.109, there shall be no paper file for these cases. The electronic version of the documents in these CCW cases, and only these cases, shall serve as the official court record.

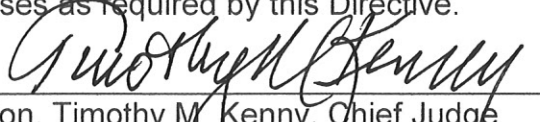
The process involves the following:

- A) Pursuant to MCR 8.110 (C) (3), the Chief Judge delegates authority to the Presiding Judge of the Criminal Division, Hon. Prentis Edwards, Jr., to develop the criteria for participation in this process and select CCW cases to be assigned under this docket directive.

- B) The Director of Case Processing, using criteria established by the Presiding Judge of the Criminal Division, will select CCW cases to be transferred and assigned randomly to one of the designated Civil Division judges.
- C) Open CCW cases will be assigned to the above referenced Civil Division judges after the Arraignment on the Information.
- D) Initially, fifteen cases will be assigned to each Civil Division judge. Cases will be replenished as cases are resolved.
- E) The CCW cases are expected to be resolved within 60 days of being placed on the Civil Division judge's docket.
- F) Pre-trials and pre-trial motions may be conducted by Zoom. Evidentiary hearings and bench trials on these matters will be conducted in person in the Coleman A. Young Municipal Center (CAYMC). If the defendant or prosecutor requests a jury trial, the matter will return to the originally assigned Criminal judge for further proceedings.
- G) The Prosecutor's Office will provide one Assistant Prosecutor to handle the CCW cases at CAYMC. To facilitate this, each Civil judge will designate one day or a portion of one day out of the week to resolve their assigned CCW cases. The selected time slots shall not overlap; only one Civil judge shall schedule and preside over cases during any one time slot. The Civil judges shall only schedule and preside over CCW cases during their designated period.
- H) Two sheriff deputies will be assigned to the judge handling in-person CCW cases on a particular day.
- I) The Civil Division judges will track the witness testimony, motion decisions, pleas and sentencing referrals and record this information on a CCW Disposition form. The completed form will be delivered to the County Clerk's Office (CriminalClerk@3rdcc.org).
- J) If the Defendant is convicted by the Civil Division judge, the Civil Division judge will sentence that defendant. Thereafter, the case will be transferred back to the originally assigned Criminal judge.
- K) All post-conviction matters, including Motions for Relief from Judgment, will be handled by the originally assigned Criminal judge (See MCR 6.504(A)).

- L) If a defendant fails to appear at a CCW hearing before a Civil Division judge, a bench warrant will be issued and the case will be returned to the originally assigned Criminal judge.

The Wayne County Clerk, Circuit Court Case Processing, and Circuit Court Information Technology Systems Bureau are directed to take the steps necessary to accomplish supervision of cases as required by this Directive.



Hon. Timothy M. Kenny, Chief Judge
Third Judicial Circuit of Michigan

Dated: January 25, 2022