

## **COURTS MAIN PAGE:**

### **Circuit Court**

- Felony Criminal Matters
- Lawsuits over \$25,000
- Divorce, Paternity, Family Support, Custody, Parenting Time Disputes
- Personal Protection Orders
- All matters involving equitable relief including injunctions and original writs
- Appeals from District Court and Administrative Agencies

### **District Court**

- Misdemeanors Where Punishment Does Not Exceed One Year in Jail
- First Appearance and Preliminary Examinations on Felony Cases
- Sets and Accepts Bail on Felony and Misdemeanor Cases
- Traffic Civil Infraction and Non-traffic Civil Infractions Matters
- Civil Litigation up to \$25,000, Including Small Claims and Landlord/Tenant Cases

### **Friend of the Court**

- Conducts investigations and makes reports and recommendations to the court regarding:  
Custody  
Parenting Time  
Amount of Child Support
- Collects, records, and sends out all support payments as ordered by the court.
- Provides enforcement services on all custody, parenting time, medical and support orders entered by the court

### **Probate Court**

- Adjudicates and Disposes of Cases Involving Property of Persons Who Have Died or Become Incompetent
- Interprets Wills and Trusts
- Commits the Mentally Ill When Necessary
- Appoints Guardians and Conservators for Minors, Incapacitated Individuals and Individuals with Developmental disability
- Adjudicates Juvenile Delinquency Cases
- Adjudicates Juvenile Neglect or Abuse Cases
- Juvenile Probation, Diversion and In-home Detention Services and Monitors Juvenile Foster Care

## 93<sup>rd</sup> DISTRICT COURT OFFICES

### MANISTIQUE:

300 Walnut Street  
Manistique, MI 49854  
Telephone (906) 341-3630  
FAX (906) 341-8006

### MUNISING:

101 Court Street  
Munising, MI 49862  
Telephone (906) 387-3879  
FAX (906) 387-2688

### DUTIES AND RESPONSIBILITIES:

The 93<sup>rd</sup> District Court is a first class district court with offices located in the City of Manistique and the City of Munising, Michigan. The **Hon. Mark E. Luoma** serves as the District Court Judge for both Alger and Schoolcraft Counties. In Manistique, the Magistrate is **David Maddox** and in Munising, the Magistrate is **Lynne Maki**. Court addresses and telephone numbers are listed above.

The District Court has jurisdiction over all misdemeanors where punishment does not exceed one year in jail, as well as first appearances and preliminary examinations on felony cases. The District Court sets and accepts bail on felony and misdemeanor cases.

The District Court has jurisdiction over all traffic civil infraction and non-traffic civil infraction matters. The District Court has exclusive jurisdiction over all civil litigation up to \$25,000, including small claims and eviction proceedings. Michigan courts are required to publicly post the fines and costs to be assessed for certain civil infraction tickets.

**Services Provided:** *Court staff will assist you with procedural questions. However, the staff members are not lawyers and we are prohibited by law from providing legal advice. If you have a legal question or need legal assistance, please contact a lawyer.*

The Michigan Supreme Court has developed a self-help web page for many issues, including the ability to download official court forms. The web address is:

<http://courts.michigan.gov/scao/selfhelp/selfhelphome.htm>

Small Claims Forms may be obtained at the following web address:

<http://courts.michigan.gov/scao/courtforms/smallclaims/scindex.htm>

Garnishment Forms may be obtained at the following web address:

<http://courts.michigan.gov/scao/courtforms/garnishment/garindex.htm>

Landlord Tenant forms may be obtained at the following web address:  
<http://courts.michigan.gov/scao/courtforms/landlordtenantlandcontract/ltindex.htm>

If you have any other questions or need additional information, please call the Manistique District Court at (906) 341-3630, or email the 93<sup>rd</sup> District Court at [scdistrict@chartermi.net](mailto:scdistrict@chartermi.net).

## DISTRICT COURT INFORMATION:

### Civil Matters – Small Claims

A small claims action may be filed when the amount in controversy is \$5,000 or less. Parties must represent themselves in small claims court. Attorneys are not allowed unless they are a party to the suit. Businesses may be represented by a full-time employee with knowledge of the claim. Small Claims forms are available at both Court locations or from the link online at:

<http://courts.michigan.gov/scao/courtforms/smallclaims/scindex.htm>

#### FILING FEES:

<u>Amount of Claim</u>	<u>Fee</u>
Up to \$600	\$25 plus service fee
\$601 to \$1,750	\$45 plus service fee
\$1,751 to \$3,000	\$65 plus service fee

Service of the complaint upon the defendant may be made by certified mail. The fee for certified mail is \$5.50 per defendant to be paid along with the filing fee. (The mailing fee may be increased, based upon actual costs of postage). The claim may be served by the Sheriff or a process server who will bill you directly.

If you have been awarded a judgment in small claims court, once the judgment has been paid by the opposing party, you must advise the Court in writing that the claim has been paid in full. For more information see, “**How do I File a Small Claims Action?**” later in this webpage.

#### Landlord/Tenant:

The court will provide Notice to Quit forms for non-payment of rent (7day notice), termination of tenancy (30 day notice), or health hazard/injury to premises (7 day notice) upon request or these forms may be available online at: <http://courts.michigan.gov/scao/courtforms/landlordtenantlandcontract/ltindex.htm>

*A Practical Guide for Tenants and Landlords* is an excellent publication and is

available at both court locations upon request at no cost. Filing fees to initiate this type of suit vary upon whether you are seeking termination of tenancy only or requesting a judgment for money damages.

### **Filing Fees for Landlord/Tenant actions:**

<u>Action</u>	<u>Fee</u>
Termination of Tenancy Only	\$45
Money Judgment Up To \$600	\$25 plus \$45 (for termination of tenancy)
\$601 to \$1750 \$45 plus	\$45 (for termination of tenancy)
\$1751 to \$10,000 \$65 plus	\$45 (for termination of tenancy)
\$10,001 to \$25,000 \$150 plus	\$45 (for termination of tenancy)
Jury Demand if Jury Trial is requested:	\$50
Motion fee if any legal motions are filed:	\$20

### **GENERAL CIVIL**

Summons forms are available at the Court by request. You must draft you own complaint to accompany the summons. Filing fees vary depending upon the amount of money claimed.

### **Filing Fees:**

<u>Amount of Claim</u>	<u>Fee</u>
Up to \$600	\$25
\$601 to \$1,750	\$45
\$1,751 to \$10,000	\$65
\$10,001 to \$25,000	\$150
Jury Demand	\$40
Motion Fee	\$20

### **Marriage Ceremonies**

Civil marriage ceremonies are performed at the Courthouse between the hours of 9:00 a.m. and 4:00 p.m. on normal business days. Both the District Court Magistrates and the Judge performs the ceremonies. You must have a valid Michigan marriage license, two adult witnesses are required, and a \$10 fee is collected at Court offices at the time of the ceremony. You must contact the Court in advance to schedule your marriage ceremony at (906) 341-3630 (Schoolcraft County) or (906)387-3879 (Alger County).

### **Traffic Violations**

If you have received a civil infraction violation, you may admit to the ticket, admit with an explanation, or deny responsibility for the violation and request a hearing. For more information see "**How do I contest my traffic ticket?**" later on this webpage. If you wish to admit with an explanation, you may make your explanation in person to the Magistrate at Court offices or you may make a written explanation and drop it off or mail it to the Court. The Magistrate will

respond to your explanation. Most traffic violations may be paid through the mail or in person. For ticket amounts see the **93<sup>rd</sup> District Court Traffic Fines and Costs Schedule** later on this webpage. Payment may be made by money order, check or credit card. For credit card payments, please review the process as outlined later in this webpage. Payment in cash is accepted at both court offices. Be sure to include your ticket with the payment; sign the back of your ticket indicating and admission of responsibility for a civil infraction, or plea of guilty for a minor misdemeanor violation such as expired registration plate or operator's license. All payments are due with 10 days unless you contact the Court and make other arrangements for payment. If you fail to respond to your ticket, the Court will enter judgment against you (on a civil infraction) and after the statutory notices, move to suspend your driving license. If your driving privileges have been suspended for nonpayment or failure to appear, you must satisfy your judgment to the Court with payment by money order or cash only.

### **Misdemeanor Offenses**

Many minor misdemeanor and most non-traffic civil infraction violations allow for appearance before the Magistrate. The Court offices allow walk-in arraignments between 9:00 a.m. and 4:00 p.m. If you were not given a date and time for your arraignment, call the court at the appropriate location to schedule it. The business office hours of the court are weekdays from 8:00 a.m. to 4:00 p.m. excluding the noon to 1:00 p.m. lunch hour.

### **Bail Bond Information**

Any money being deposited with the Court as bail will be held to guarantee the defendant's appearance in Court for all proceedings until the conclusion of his/her case. Bond must be posted in cash or by credit card. Checks are not accepted for bail. If you are posting bond for someone else, you will be asked to decide if the defendant has your permission to use the bond money towards any fines and costs imposed if convicted. If you choose to allow the use of the bond money, it will automatically be applied to the penalty imposed after sentencing. If you post bond money for yourself, it will automatically be applied to your fines and cost after sentencing. If bond money is to be returned to you at the completion of a case (which is after sentencing or upon acquittal after trial), you must appear at the District Court Clerk's Office in the proper Court location with your copy of the bond receipt and photo identification to receive the bond refund. If you post a 10% bond, the Court will keep 10% of the deposited amount of the bond pursuant to Court Rule (i.e., if you post 10% of \$500, \$45 in bond money will be actually returned to you or applied to fines and costs).

By posting bond money for someone else you are guaranteeing their appearance in Court at all proceedings. If the defendant fails to appear for arraignment, pretrial, trial or any other compelled Court appearance, the bond money you posted will be forfeited to the Court after proper notice. If you wish to revoke the bond before the case is completed, you must petition the Court for an order

revoking bond. If the order is granted, the bond money will be returned to you after the defendant is returned to custody.

Credit cards are accepted through the Government Payment EXP service. Payments by this method are accepted 24 hours a day, 7 days a week. To make a payment by credit card, you may go to [www.GovPayNOW.com](http://www.GovPayNOW.com) or call 888-604-7888. There are additional fees associated with credit card usage that will apply. **The Government Payment EXP service will require the payment location code of 6482 for Alger County and the payment location code of 6093 for Schoolcraft County.**

### Probation Services

The 93rd District Court has probation offices in both Alger and Schoolcraft Counties. David Maddox and the probation officer for Schoolcraft County (906) 341-3630 and Lynne Maki is the probation officer for Alger County (906)387-3879. Probation services include oversight of probation clients. Probation officers monitor a defendant's progress with oversight concerning education, substance abuse services, domestic violence counseling, general rehabilitation programs and collection of fines, costs and restitution.

They are also responsible for monitoring probationers under the 93rd District Court Substance Abuse Treatment Court.

## DISTRICT COURT TRAFFIC FINES AND COSTS

**Effective: 02/01/07**

<b>SPEEDING:</b>	Fines & Costs	Points
1-10 mph over speed limit	\$100	2
11-15 mph over speed limit	\$120	3
16-20 mph over speed limit	\$135	4
21-25 mph over speed limit	\$150	4
26-30 mph over speed limit	\$165	4
31-35 mph over speed limit	\$190	4
36 mph and above speed limit	\$200	4

### VIOLATION:\*

Careless Driving	\$155	3
with accident	\$175	3
Child Restraint Violation	\$ 85	0
Defective Equipment	\$ 90	0
Disobey Stop Sign	\$100	3
with accident	\$115	3
Disobey Traffic Control Device	\$100	3
Drove Left of Center	\$100	2
with accident	\$115	2
Expired Operator's License	\$90	2
Fail to Dim Headlights	\$100	2

Fail to Stop Leaving Private Drive	\$100	2
with accident	\$115	2
Fail to Yield	\$100	2
with accident	\$115	2
Fail to Yield Emergency Vehicle	\$150	4
Following too Closely	\$100	2
with accident	\$115	2
Insecure Load	\$150	0
Improper Passing	\$100	3
with accident	\$115	3
Registration Violation	\$135	0
No Helmet Motorcycle	\$100	0
No Valid License on Person	\$90	0
Park in Handicapped Space	\$155	0
Failure to Stop for School Bus	\$255	3
Refuse Preliminary Breath Test	\$200	0
Seat Belt Violation	\$65	0
Violation of Basic Speed Law	\$100	2
with accident	\$115	2

□ Call the court for penalty amount for moving violations in construction zones. No proofs of insurance fines are \$151.00, but citation will be dismissed if proof that insurance was in effect at the time of the ticket is provided to the court within 10 days.

### **READ THE BACK COPY OF YOU CITATION CAREFULLY**

Payment by mail must be by check or money order. Make checks and money orders payable to the **93rd District Court**. THE SIGNED CITATION MUST BE RECEIVED BY THE COURT WITHIN 10 DAYS FROM THE DATE THE CITATION WAS ISSUED. AFTER 14 DAYS, ADDITIONAL COSTS WILL BE IMPOSED AND YOU DRIVER'S LICENSE IS SUBJECT TO SUSPENSION.

If you posted a bond with the officer, and it is the correct amount of your ticket, and you wish to admit responsibility, you must sign the back of your ticket admitting responsibility and mail or FAX this to the Court. Once we receive you plea, we will apply the bond posted.

**DEFECTIVE EQUIPMENT VIOLATIONS:** Read the reverse of you citation and make sure you send the copy to this Court after being signed off by a law enforcement agency.

### **PAYMENT OF FINES/COSTS/BAIL BY CREDIT CARD**

You may make your payments for fines and costs by credit card through the Government Payment EXP service. Payments by this method are accepted 24 hours a day, 7 days a week. To make a payment by credit card, you may go to [www.GovPayNOW.com](http://www.GovPayNOW.com) or call 888-604-7888. There are additional fees associated with credit card usage that will apply. **Government Payment EXP**

**service will require the payment location code of 6482 for Alger County and the payment location code of 6093 for Schoolcraft County.**

Call the court between the hours of 8:00 am and 4:00 pm for any further information you may need.

## **COURT ADDRESS AND INFORMATION:**

### **SCHOOLCRAFT COUNTY**

93rd District Court  
300 Walnut Street  
Manistique, MI 49854  
Telephone (906) 341-3630  
FAX (906) 341-8006

### **ALGER COUNTY**

93rd District Court  
101 Court Street  
Munising, MI 49862  
Telephone (906) 387-3879  
FAX (906) 387-2688

## **JURY DUTY**

### ***Notice to Jurors***

If you are a prospective juror in the District Court of Judge Mark E. Luoma, please call (906)-341-3630 in Schoolcraft County or (906)-387-3879 in Alger County before **4:00 p.m.** the day before your scheduled appearance to confirm whether or not the case has settled.

*Jurors appear for jury duty by checking in at the District Court office before entering the courtroom.*

### **Q: How was my name selected?**

**A:** A local jury board randomly draws names from the State of Michigan driver license and personal identification card holder lists as required by Michigan law.

### **Q: Is jury duty mandatory?**

**A:** Yes. The United States Constitution guarantees the right to a trial by jury in both criminal and civil cases.

### **Q: Can I get excused from serving on a jury?**

**A:** Jury service is a civic duty that every eligible adult has. If you have a genuine scheduling conflict, such as a planned vacation, your jury service may be postponed with court approval for a different trial. Please forward a written request to the 93<sup>rd</sup> District Court office in the appropriate county with an explanation, or telephone the court. Your request will be reviewed and you will be notified of whether you are excused for that particular trial.

**Q: How much and when will I be paid for my jury service?**

**A:** First Day:

- \$12.50/half day
- \$25.00/full day

Second Day:

- \$20.00/half day
- \$40.00/full day

Plus roundtrip mileage to court from residence. You should receive a check in the mail in approximately 2 to 3 weeks following your appearance.

**Q: What if I have already served in the past year?**

**A:** You may have been called for more than one trial if the first trial cancelled and you did not actually appear in court for jury selection. Contact the court office and they will check the status of your service record.

**Q: What if I need special accommodations?**

**A:** The courtroom is accessible for individuals with disabilities and is in compliance with the Americans With Disabilities Act.

**Q: Where do I park my vehicle?**

**A:** The courthouse in each county provides sufficient parking in lots adjacent to the building.

**Q: What kind of trial will I hear and how long will the trial take?**

**A:** There are two types of trials that have juries: criminal trials and civil trials. The judge knows about how long the trial is expected to take and he will advise you of that time frame when the jury selection begins. The actual length of a trial depends on the complexity of the issue(s) and how long jurors spend in deliberations.

**Q: Is there a consequence for my refusal to serve?**

**A:** Michigan Compiled Laws Section 600.1346 makes refusal to serve punishable as contempt of court. You may be summoned to appear at a hearing and sentenced to contempt of court.

**Q: Can I bring my cell phone, pager, camera or computer with me?**

**A:** Cell phones and pagers are required to be turned off when in the courtroom. Only water in a clear plastic bottle is permitted in the courtroom; no other food or drink is allowed. Cameras, computers, video equipment and other electronic equipment is not allowed in the courtroom. During jury deliberation, no communication devices of any kind, such as cell phones, may be used.

**Q: Am I able to have a cigarette break?**

**A:** Smoking is prohibited in the courthouse; however there are designated

areas outside for smoking and you will be accompanied by court staff during breaks to the nearest designated smoking area.

**Q: What happens after the verdict?**

**A:** Once the verdict is read in court, the jury returns to the jury room. Often the judge will stop in to talk with the jurors to answer any questions and get feedback about the trial. Some jurors find it helpful, but you are free to leave after the trial is over.

**District Court Frequently Asked Questions**

**How do I contest a traffic ticket?**

If you received a civil infraction violation (i.e. speeding, stop sign violation, violation of the basic speed law) you may deny responsibility for the violation by contacting the Court by telephone at (906) 341-3630 for Manistique, Schoolcraft County or (906) 387-3879 for Munising, Alger County, visiting the Court in person, or sending a written request to deny responsibility to the Court. *Your ticket may only be processed in the county in which the alleged violation occurred.* If you send a written request you must provide the Court with your name legibly printed, current address and telephone number, refer to the violation you are contesting (if you have more than one pending traffic citation), and provide the date of the violation.

Once you have contested your ticket, you must request either an informal hearing before the Magistrate or a formal hearing before the District Judge. An informal hearing is just what the name implies, an informal hearing setting before the Magistrate where all parties must appear personally, witnesses may be called, testimony given, and the Magistrate makes a decision based on the testimony given applied to the appropriate statute or ordinance involved.

The Magistrate's decision may be appealed by either party. The appeal is made to the District Court Judge. The appeal must be made within 7 days and if the defendant makes the appeal, an appeal bond equal to the amount of the penalty for the ticket must be posted in cash at the time of the request for appeal.

You may request a formal hearing if you dispute your traffic citation. A formal hearing is heard before the District Judge. The police officer will be represented by the appropriate prosecuting official, you may represent yourself or you may hire an attorney to represent you if you would like. At a formal hearing the Judge considers the testimony and any other evidence presented and makes a determination regarding responsibility for the ticket.

If you have been cited for a misdemeanor traffic offense, and want to admit responsibility, sign the back of your copy of the ticket where it is indicated, and mail the exact fine to the court at the appropriate address. Payment may be made by check or money order made payable to the 93rd District Court. Be sure

to comply with the time limits within which to respond to avoid any operator's license suspension by the Secretary of State. Payment may also be made by credit card by calling 1-800- . There is an additional nominal fee for credit card payment. If you have any questions or concerns about the ticket, call the Court at the telephone numbers provided.

**If I have a good driving record, will the Court waive the points for my ticket?**

The Court is required to report all applicable traffic convictions to the Michigan Secretary of State within 14 days of conviction. The Secretary of State applies points to your driving record. The Court cannot waive or suspend the assessment of points.

**How long do I have to pay my traffic ticket?**

Payment must be made within ten days unless you contact the Court and make other payment arrangements.

**What happens if I don't comply with the Court's orders?**

If you have a traffic ticket, after proper notices the Court will move to suspend your driving privileges and will order you to appear before the District Judge to be held in contempt. If you fail to appear at this hearing, a bench warrant for your arrest will be issued. If you are charged with a misdemeanor or felony violation, a bench warrant for your arrest will be issued. If you are on probation, you will be subject to a probation violation and may be cited to appear before the Judge, with the possibility of a jail sentence.

**How do I request a Court appointed lawyer?**

The Court may appoint a lawyer to represent you if you are charged with a criminal offense. You must appear personally to make this request. The Judge or Magistrate will place you under oath and take testimony from you to determine your eligibility for a Court appointed lawyer. You must be indigent to qualify. This determination is made by the Judge or Magistrate depending upon your employment situation, your wages, other income, assets, debts, and the number of dependents you support. If it is determined you are indigent, the Court may appoint a lawyer if the crime you are charged with is serious, carries a minimum jail sentence or if the Judge is contemplating a jail sentence for you. If you are granted a Court appointed lawyer, you should know that if you are convicted you may be required to reimburse the Court appointed lawyer expense to the Court.

**How do I file a small claims action?**

Small Claims forms are available on-line within the District Court web page or at either District Court offices. To file a claim you must complete a form (clear instructions are printed on the back of the form packet), sign the claim before a Deputy Court Clerk or have your signature notarized, and pay the fee to file your claim. For the appropriate fee, see the "***District Court Information***" section earlier in this webpage.

At the time of filing a trial date is scheduled in approximately 4 weeks in the future to allow for the complaint to be delivered to the defendant. The rules require that the defendant receive a copy of the complaint at least 15 days before the trial. The complaint may be served upon the defendant either by certified mail return signed receipt, or personally by a sheriff's deputy or private process server, other than the plaintiff. Documentary proof of this service must be provided before or at the beginning of trial in order for the case to proceed. If you have questions concerning this procedure, call the Court at the telephone numbers provided in this website.

Small claims decisions made by the District Court Judge may not be appealed. If a party to a small claims action wishes to preserve the right to appeal, the party must make a Demand for Removal which moves the claim to the General Civil Division of the Court. The form for this is available at the District Court Offices. It should be noted that once a case is removed to the General Civil Division of the District Court, all civil court rules of procedure must be followed. If the case is removed to the General Civil Division, you may wish to seek the advice and assistance of a lawyer.

By appearing in Small Claims Court, the parties give up the right to sue for more than \$5,000 (that is the limit set by law for small claims actions), they give up the right to an attorney (the parties must represent themselves), they give up the right to appeal (all decisions are final) and they give up the right to a trial by jury (the District Judge makes the decision). If either party desires to assert any of these rights, they must notify the court before the trial.

An alternative to filing a small claims action with the Court is the Community Dispute Resolution Service. This is a mediation process whereby trained mediators assist the parties in reaching their own settlement. This service is provided by the District Court through **>UPCAP Dispute Resolution Services Program<**. For further information, you may click the link above, call the District Court, or contact the resolution service at 1-800-780-3456.

### **If I have a small claims judgment, how do I collect?**

After 21 days from the date of the judgment, you have several options. Wages, bank accounts, and Michigan income tax refunds may be garnished. You will need to know where the defendant is employed (for wages), where the defendant does his/her banking, or what the defendant's social security number is (for Michigan income tax refund). Garnishment forms are available at Court offices, or online at

<http://courts.michigan.gov/scao/courtforms/garnishment/garindex.htm>. There is a **\$15** filing fee to file the garnishment, a \$6 disclosure fee for periodic garnishment (wages), and the garnishment must be served on the garnishee (employer) by personal service or certified mail. If you do not have any of the above-mentioned information about the defendant, you may request a discovery subpoena. A discovery subpoena compels the defendant to Court where you may question

him/her under oath regarding assets, bank accounts, etc. There is a \$15 filing fee for the subpoena, the defendant must be paid a \$6 witness fee plus mileage in the amount of \$.10 per mile from his/her place of residence, and the subpoena must be served on the defendant.