



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

MEMORANDUM

DATE: January 16, 2014

TO: All Judges
County Clerks
Court Administrators
Probate Registers

FROM: Jim Inloes, Management Analyst

RE: Nonpublic Status of Deferred Judgment Cases

When the court defers entry of a judgment of guilt under any applicable statute,¹ the case becomes nonpublic. The SCAO has received reports of some inconsistencies regarding the time at which the clerk of the court actually assigns the nonpublic status to the case file and to the information in the case management system. After reviewing the statutes, the State Court Administrative Office (SCAO) has the following recommendations:

1. The clerk should assign nonpublic status to a case when the order deferring judgment is signed by the judge. This is generally a probation order² with a box checked indicating that the judgment of guilt is deferred. In district court, this may be prepared immediately after the plea is taken. In circuit court, it is generally prepared by probation staff at sentencing.
2. When taking the plea, the judge should clearly inform the defendant that the case will remain public until the order enters.
3. If the judge determines the case is deferred under one of the applicable statutes before the entry of the formal probation order, then he or she should issue and sign an order to that effect and the case will become nonpublic when that order is signed

If you have questions regarding these recommendations, please contact Jim Inloes at 517-373-0122 or inloesj@courts.mi.gov.

¹ MCL 762.13, HYTA; MCL 333.7411, Controlled Substance; MCL 769.4a, Domestic Violence; MCL 750.350a, Parental Kidnapping; MCL 750.430, Health Professional Practicing Under Influence; MCL 436.1703, Minor in Possession of Alcohol; MCL 750.430, Licensed Health Care Professional Practicing under the Influence of Drugs or Alcohol. MCL 600.1076(6) Drug Treatment Court, MCL 6001206(1)(i) and MCL 600.1209(6) Veterans Treatment Court, MCL 600.1090 et seq. Mental Health Court.

² See SCAO approved forms CC 243a, DC 243, or MC 242.