



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

Jennifer Warner
Director

MEMORANDUM

DATE: June 8, 2016

TO: All Judges
All Court Administrators
Magistrates

FROM: Stacy Westra, Circuit Court Analyst
Matthew Walker, Forms and Manuals Analyst

RE: Department of Corrections Writ of Habeas Corpus Processing

The Michigan Department of Corrections (MDOC) has notified the State Court Administrative Office (SCAO) of a processing change regarding habeas corpus writs. This change requires the MDOC Court and Writ Unit to provide information on any pending criminal charges to the facility in which the prisoner is located. Specifically, the MDOC Court and Writ Unit must provide the charge that is the subject of the writ and whether that charge is a felony or misdemeanor. This information allows MDOC staff to assess the safety risk of an offender for purposes of housing and transportation.

Most courts are currently providing this information to the MDOC Court and Writ Unit on SCAO-approved form MC 203, Writ of Habeas Corpus. However, MC 203 has been revised to provide a specific space for the requested information. A copy of the updated form with highlighted changes is attached to this memo.

If you have questions regarding this change, please feel free to contact Stacy Westra at TrialCourtServices@courts.mi.gov or 517-373-9574. If you have questions regarding forms, please feel free to contact Matthew Walker at TrialCourtServices@courts.mi.gov or 517-373-2217.

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	WRIT OF HABEAS CORPUS	CASE NO.
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Court address _____ Court telephone no. _____

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:

TO: _____, the agency or person having custody of

Name _____ I.D. no. _____ Date of birth _____

To bring prisoner to court in the case of:
People of
v

To inquire into detention/custody of:

IT IS ORDERED:

1. Answer this writ, stating the authority under which you restrain the prisoner. exercise custody over the minor child. File your answer with the court judge by _____
Date _____.

2. Deliver the person named in this writ into the custody of _____
Name/Title/Agency
for: the prosecution of _____, felony. misdemeanor.
Charge and MCL citation or PACCC code _____

Specify purpose (witness testimony, etc.). _____.

Immediately after the prisoner completes his/her appearance, the prisoner shall be returned to your custody.

3. Bring the person named in this writ before the Honorable _____
Name _____ Bar no. _____
at _____, on _____ at _____
Location of court _____ Date _____ Time _____
Bring this writ with you.

4. Produce the prisoner via compatible two-way interactive video technology for the purpose indicated above on _____
Date _____ at _____
Time _____.

5. Fees are allowed in the amount of \$ _____.

Date _____ Judge _____ Bar no. _____

PROOF OF SERVICE

STATE OF MICHIGAN, COUNTY OF _____

I certify that on _____ at _____, I personally served the original writ of habeas
Date _____ Time _____
corpus on _____
Name _____.

Date _____ Signature _____

WRIT OF HABEAS CORPUS

Case No. _____

Required only under MCR 3.303

ANSWER

STATE OF MICHIGAN, COUNTY OF _____

I, _____, state:
Name

1. I do not have _____ under my custody, power, or restraint.
Person name in writ

2. On _____ by authority of _____,
Date
_____ was released.
 transferred to _____ (exhibits attached).
Location

3. I have _____ under my custody, power, or restraint under a
Person named in writ
 warrant charging the prisoner with the offense of _____
 commitment
 other: _____

issued by _____ . A copy of the document is attached and the original
Name
will be produced at the hearing.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Signature

Title

When required by MCR 3.303(L)(2)

NOTICE TO PROSECUTING ATTORNEY

TO: The prosecuting attorney of _____ County

You are notified that the annexed writ of habeas corpus has been issued. _____
is believed to have custody of the prisoner. Name/Title/Agency

Date

Prisoner Attorney/Bar no.

Address

City, state, zip Telephone no.