



Michigan Supreme Court

State Court Administrative Office
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Thomas P. Boyd
State Court Administrator

JOINT MEMORANDUM

DATE: February 9, 2021

TO: Judges, Court Administrators/Probate Registers, and MDOC Wardens

FROM: Thomas P. Boyd, State Court Administrator
Jeremy Bush, Correctional Facilities Administration Deputy Director, Michigan
Department of Corrections

SUBJECT: Writ of Habeas Corpus

In both courts and corrections facilities statewide, COVID-19 creates new challenges that require careful planning and coordinated efforts. One example is the need for improved communications between courts and correctional facilities regarding the virtual appearance of inmates in court proceedings.

Over the past decade, virtual appearances in court proceedings saved substantial resources for the Michigan Department of Corrections (MDOC) and local law enforcement agencies. With the pandemic, virtual appearances became critically important to keep the justice system running. However, health conditions within facilities has impaired the process of bringing inmates to court.

To improve communications and facilitate continued virtual appearances from MDOC facilities to courts around the state, we request courts and facilities use the following procedure:

- A trial court scheduling a hearing with an MDOC inmate should contact MDOCWRIT@michigan.gov as usual.¹
- If the inmate *is* available for the requested hearing time, MDOC staff should confirm that availability and the court should issue the appropriate writ.
- If the inmate *is not* available due to the inmate's health or health conditions in the area where the inmate is housed, MDOC staff should indicate "the inmate is not available on that date due to health considerations."
 - Health information about a specific inmate may not be shared.

¹ See SCAO, [Michigan Trial Court Standards for Courtroom Technology](#), p 37.

- MDOC staff should suggest a reasonable period of delay for the inmate's availability.
- The court should issue a writ for the day and time arranged through this process.
- Courts are strongly encouraged to not issue writs for defendants that are unavailable due to health considerations.
- MDOC may not ignore a writ, since it is a court order.
- If the inmate's availability changes due to the inmate's health or health conditions in the area where the inmate is housed, the MDOC must immediately notify the court.
 - A trial court receiving such notice should contact the facility and proceed as detailed in this memorandum to reschedule.

By following these procedures, we can continue to work together to maintain security and health while assuring access to judicial processes. Our offices are available to assist in resolving any issues that may arise in implementing this procedure. If any problems arise, reach out to your regional contact and we will work to resolve it together. Thank you.