

CRIMINAL DIVISION – MISDEMEANOR/FELONY

All criminal cases prosecuted within the County of Alpena are filed at the 88th District Court by the Prosecuting Attorney or City Attorney (if ordinance violation). The Court processes misdemeanor cases, from arraignment through sentencing; and felony cases from arraignment through preliminary exam.

Criminal cases are serious issues with the possible penalties of fines and/or jail time, and/or probation.

Definitions per the Michigan Penal Code (www.legislature.gov)

"Crime" means an act or omission forbidden by law which is not designated as a civil infraction, and which is punishable upon conviction by any 1 or more of the following: (a) Imprisonment. (b) Fine not designated a civil fine. (c) Removal from office. (d) Disqualification to hold an office of trust, honor, or profit under the state. (e) Other penal discipline.

Felony—The term "felony" when used in this act, shall be construed to mean an offense for which the offender, on conviction may be punished by death, or by imprisonment in state prison.

Misdemeanor—When any act or omission, not a felony, is punishable according to law, by a fine, penalty or forfeiture, and imprisonment, or by such fine, penalty or forfeiture, or imprisonment, in the discretion of the court, such act or omission shall be deemed a misdemeanor.

TYPES OF HEARINGS HELD IN DISTRICT COURT:

Arraignment – can be held before a Judge or Magistrate

Defendant is provided a first appearance attorney, is advised of his/her rights, advised of the charge, advised of possible penalties, bond is set and a plea may be entered.

Pre-Trial

An exchange of information between the People (Prosecuting Attorney) and the Defendant.

Preliminary Exam

Held in felony matters only. This hearing is held to determine if probable cause exists alleging a crime was committed and if the defendant may have committed the crime.

Sentencing

The final step in the legal process, a penalty is assessed for someone who is convicted of, or pled guilty to a crime. Penalties could consist of incarceration, fines and costs, probation.

Probable Cause Conference

This conference occurs the week prior to the preliminary exam on all felony matters. The purpose of the Probable Cause Conference is for the prosecutor, defendant, and defense attorney to have discussions regarding plea negotiations, bond modifications, stipulations regarding the case or any matters relevant to the case.

If wanting to make a payment toward fines costs, please visit www.allpaid.com – using location code 1038.