

Pro Se: Michigan Criminal Law

This guide is intended to give researchers a starting point in the area of criminal law and procedure in Michigan.

The Criminal Trial From Start to Finish in Michigan: The Defense by Thomas W. Cranmer, Harold Gurewitz, and Mark J. Kriger, NBI, 2005.

This guide gives a complete overview of the criminal defense trial, with many helpful pointers on conducting a trial and avoiding ethical pitfalls.

Defender Habeas Book by State Appellate Defender Office, Criminal Defense Resource Center, Michigan State Appellate Defender Office, 2002-

Focuses on preserving and presenting habeas corpus claims at the trial and appellate levels. Includes sample pleadings for state and federal court, as well as court forms for indigent petitioners.

Defender Motions Book by State Appellate Defender Office, Criminal Defense Resource Center, Michigan State Appellate Defender Office, 2002-

Includes the most commonly filed motions in Michigan court by criminal defense attorneys, such as defendant competence, discovery, change of venue, expert testimony, and plea agreements.

Defender Plea, Sentencing & Post-Conviction Book by State Appellate Defender Office, Legal Resources Project, 1997-

Covers Michigan cases on sentencing guidelines, alternatives and enhancement, juvenile offenders, economic penalties, and probation. Includes relevant court rules, sentencing grids, and checklists.

Defender Trial Book by Legal Aid and Defender Office of Detroit, 1983-

Covers cases on criminal procedure and trial process from arrest to post-conviction. Includes cases on constitutional rights, the validity of motions, defenses, and jury instructions.

Defender Books and Unpublished Opinion Collection by Criminal Defense Resource Center, State Appellate Defender Office, 2002-

Contains the “Defender” line of loose-leaf books, as well as selected unpublished decisions of the Michigan Court of Appeals, and criminal defense newsletter articles.

Domestic Violence: A Guide to Civil and Criminal Proceedings by Mary M. Lovik, Michigan Judicial Institute, 2004.

This guide covers basic understanding of domestic abuse, community resources, crimes, personal protection orders, support and child custody, and laws of multiple jurisdictions.

Felony Plea Appeals in Michigan 1992 by Sheila N. Robertson, Michigan Appellate Assigned Counsel System, 1992.

A guide for practitioners on the plea appeal process in Michigan, including the risks of taking on criminal appeals, constructing valid pleas, types of special appeals, right to counsel, and withdrawal.

Felony Sentencing by Phoenix Hummel, Michigan Judicial Institute, 2005.

A comprehensive two-volume set on sentencing guidelines; includes provisions for habitual offenders, fines, costs, and restitution, sentencing hearings, crafting appropriate sentences, and other post-sentencing issues.

Issuance of Complaints & Arrest Warrants; and, Issuance of Search Warrants by Thomas Smith, Michigan Judicial Institute, 2006.

Helpful guide outlining the arrest warrant process and alternatives, what is needed to determine probable cause, as well as checklists for issuing complaints and arrest warrants.

Juvenile Justice Benchbook: Delinquency and Criminal Proceedings by Tobin L. Miller and the Juvenile Justice Benchbook Advisory Committee, Michigan Judicial Institute, 2003.

An excellent guide to the criminal process for offenders under the age of 18. Includes coverage of jurisdiction, petitions, preliminary hearings, trials, juvenile dispositions, “waiver” proceedings, and appeals.

Juvenile Traffic Benchbook by Tobin L. Miller, Michigan Judicial Institute, 2005.

Covers elements of criminal traffic offenses, jurisdiction for juvenile traffic offenses, investigation, procedures for adjudication, dispositions, and record expungement.

Michigan Court Rules Practice: Courtroom Handbook on Michigan Criminal Procedure, Thomas West, c2003-

Contains court rules, and text of variety of Michigan state statutes and acts including: The Rules of Criminal Procedure and Evidence; Criminal Procedure and Juvenile Court Statutes; the Penal, Mental Health, and Vehicle Codes; Sentencing Guidelines Manual; and U.S. and Michigan Constitutions.

Michigan Criminal Jury Instructions, 2nd Ed., prepared by the Michigan State Bar Standing Committee on Standard Criminal Jury Instructions, ICLE, c1989-

Annotated version of the State’s criminal jury instructions in three volumes; each section contains the actual text of the instructions, along with “use notes” for the practitioner.

Michigan Criminal Law and Procedure with Forms, 2nd Ed., by Glenn C. Gillespie, Callaghan, 1978-
A combination of treatise and form book, published in 10 volumes, including a practice deskbook, CD-ROM, and special volume on Michigan search & seizure law. Tables and indexes are issued separately in a loose-leaf volume.

Michigan Drunk Driving Law and Practice edited by Michael V. Morgan, ICLE, 2008.

Provides a comprehensive overview of the practice of drunk driving law; from arrest to discovery, to drunk driving appeals. Forms included.

Michigan Non-Standard Jury Instructions, ThomasWest, 2008-

Instruction for juries in criminal cases, divided by category of crime, including coverage of defenses.

Michigan Penal Code and Motor Vehicle Law Handbook, LexisNexis, 2008.

Contains relevant sections of Michigan criminal law, motor vehicle law, and the Uniform Traffic Code sections of the Michigan Administrative Code.

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Michigan Rules of Criminal Procedure and Other Related Rules, Callaghan, 1989.

Contains the official Michigan Rules of Criminal Procedure, which covers preliminary matters, pleas, trials, post-appeal relief, district court, and court of appeals procedures.

Misdemeanor Arraignments & Pleas and Felony Arraignments in District Court by Phoenix Hummel, Michigan Judicial Institute, 2006.

Excellent practical guide that explains many concepts and Michigan court rules related to arraignments and trial procedure. Title includes helpful checklists and flowcharts for pleas and arraignments.

Preliminary Examination, by Thomas Smith, Michigan Judicial Institute, 2006.

Another title in the Michigan Judicial Institute's "Criminal Procedure" series. Covers preliminary exams in great detail; includes checklists on conducting preliminary examinations and waivers of preliminary examinations.

Pretrial Motions by Dennis C. Kolenda, Mary E. Fielding, and Tobin L. Miller, Michigan Judicial Institute, 2006.

Geared towards practitioners, this book discusses pretrial motions in criminal cases, including general requirements for pretrial motions, individual motions, and a table summarizing individual motions.

Sexual Assault Benchbook by Thomas Smith and the Sexual Assault Benchbook Advisory Committee, Michigan Judicial Institute, 2002-

Extensive coverage of Michigan's Criminal Sexual Conduct Act, including defenses, related offenses, evidence, trial and sentencing procedures, remedies, and sex offender profiling systems. Most recent version is available online.

Steffel on Michigan Search and Seizure: Intrusion Into Fourth Amendment Protected Areas of Privacy, Lansing Community College, 2000.

This guide is intended to assist law enforcement officers as an on-street manual to understand the law surrounding search and seizure. Includes an overview of criminal administrative search warrants, exceptions, and a checklist of elements that must be met for warrant exceptions.

Electronic Resources

Domestic Violence Prevention and Enforcement

<http://www.ingham.org/pA/HTMLDV.HTM>

Offers information on the battering cycle, as well as numerous resources to help victims of domestic violence.

Michigan Criminal Court Forms

<http://courts.michigan.gov/scao/courtforms/generalcriminal/gcrindex.htm>

This set of forms is for use in criminal matters generally. See also the indexes for general, felony criminal, misdemeanor criminal, criminal disposition, motor vehicle offense, and probation forms which are used in criminal matters as appropriate.

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Michigan Department of State

http://www.michigan.gov/sos/0,1607,7-127-1627_8665---,00.html

Alcohol and drug offenses as they apply to drivers, license appeal process.

Michigan Judicial Institute: *Sentencing Guidelines Manual*

<http://courts.michigan.gov/mji/resources/sentencing-guidelines/sg.htm>

Contains definitions of crimes, how sentences are scored by judges, and grids to help determine possible sentences.

Michigan Legal Aid

http://www.michbar.org/public_resources/legalaid.cfm

Provides links to programs that offer legal assistance or dispute resolution for those who cannot afford to hire an attorney.

Michigan Legislature

<http://www.legislature.mi.gov/>

Includes codified criminal laws and pending bills in the State's legislature.

Michigan State Appellate Defender Office

<http://www.sado.org/>

Links to inmate and prison locators, Michigan victims rights, defense experts.

Michigan State Police

<http://www.michigan.gov/msp>

Links to the Sex Offender Registry, lists the state's most wanted, offers brochures on identity theft assistance.

Office of the Attorney General

<http://www.michigan.gov/ag>

Source for consumer alerts, ways to avoid fraud, brochures on abuse in health care facilities.

Prosecuting Attorneys Association of Michigan

<http://www.michiganprosecutor.org/>

Outlines what happens in a criminal case, offers a glossary of criminal terms, links to prosecutors with websites.

State Bar of Michigan

<http://www.michbar.org/programs/lawyerreferral.cfm>

Lawyer referral service helps those looking for attorneys and can pay for the legal services

Jamie Baker, Reference Assistant; John Michaud, Reference Librarian, Brennan Law Library, Lansing

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