

**Michigan Supreme Court**  
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**M E M O R A N D U M**

**DATE:** May 17, 2002

**TO:** District and Municipal Court Judges  
cc: Court Administrators and District Court Magistrates

**FROM:** James L. Covault, Director  
Trial Court Services

**SUBJ:** Caseload Reporting: Misdemeanor Case Bound-Over to Circuit Court

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The May 3, 2002, memorandum on this subject has caused some confusion. In that memo we stated:

“If the county prosecutor requests a **separate misdemeanor case** with a penalty of one year in jail or less be bound over with a felony case to facilitate plea bargaining, judges should prohibit this practice. The misdemeanor case must remain pending in the district court until such time as the prosecutor determines whether he or she will go to trial or file a *nolle prosequi*. In the meantime, the case should be scheduled for a date certain in the district or municipal court.” [Emphasis added.]

For clarification purposes, this statement does not apply to a case in which the complaint contains both a felony count and a misdemeanor count. In that instance the entire case, including misdemeanor counts, would be bound-over to the circuit court.