

**THIRTY SEVENTH JUDICIAL CIRCUIT COURT  
TENTH JUDICIAL DISTRICT COURT  
STATE OF MICHIGAN, COUNTY OF CALHOUN**

**CIRCUIT ADMINISTRATIVE ORDER ) HONORABLE ALLEN L.  
2011-09J ) GARBRECHT, Chief Circuit  
Judge**

**DISTRICT ADMINISTRATIVE ORDER ) HONORABLE JOHN R.  
2011-07J ) HOLMES, Chief District Judge**

**IN RE: WAIVER OF FEES IN CRIMINAL CASE APPEALS FROM DISTRICT COURT**

**FINDINGS:**

1. MCL 600.2529(1)(b) requires the appellant to pay a \$150 Circuit Court filing fee before filing of a claim of appeal or motion for leave to appeal from the District Court which includes criminal matters. MCL 600.2529(5) and MCR 2.002 require the Circuit Court to order the waiver or suspension of a statutory fee, in whole or in part, upon showing of indigency or inability to pay by the person subject to the fee.

2. MCL 600.6536 requires the payment of \$25 in every appeal from the District Court by the appellant to the clerk of the trial court. MCR 2.002 and MCL 600.8371(6) require the judge to order payment of any statutory fee waived or suspended if the person subject to the fee is receiving public assistance or is determined by the court to be indigent.

3. MCR 1.105 requires, in part, that the Michigan Court Rules be construed to secure the just, speedy and economical determination of every action.

4. In criminal cases brought before the District Court an attorney is appointed to represent the appellant based whenever the court determines the appellant to be indigent. To require further showings of indigency in order to waive the otherwise required statutory fees for filing a claim of appeal or motion for leave to appeal in such a matter is neither speedy nor economical.

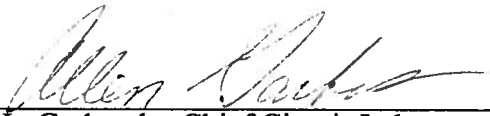
**IT IS ORDERED:**

This order is issued in accordance with MCR 1.105, effective November 1, 2011.

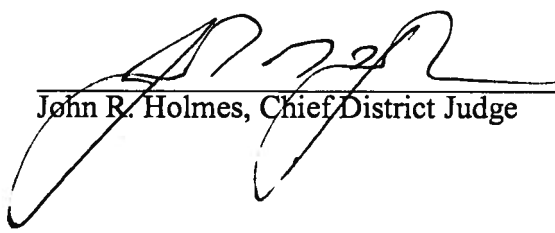
1. Unless otherwise specifically ordered by the District Court in a criminal case within the jurisdiction of the court, statutory fees otherwise required to be paid in order to file a claim of appeal or a motion for leave to appeal from the District Court are waived upon verification or presentment, to the clerk of the court to which the fees are due, of proof that the appellant is represented in the matter by an attorney appointed at public expense by the court after a showing of indigency.

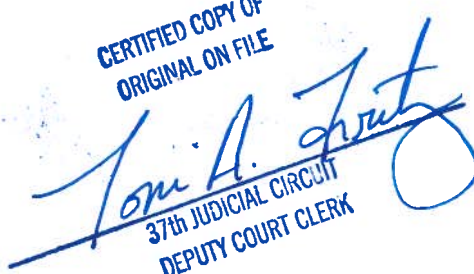
2. No other order is required to effect waiver as specified in the foregoing.

Dated: 9.28.11

  
Allen L. Garbrecht, Chief Circuit Judge

Dated: 9-28-11

  
John R. Holmes, Chief District Judge

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ORIGINAL ON FILE  
  
37th JUDICIAL CIRCUIT  
DEPUTY COURT CLERK