



STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
LANSING

GRETCHEN WHITMER
GOVERNOR

HEIDI E. WASHINGTON
DIRECTOR

DIRECTOR'S OFFICE MEMORANDUM 2021 - 15

EFFECTIVE: January 1, 2021

DATE: December 16, 2020

TO: Executive Policy Team
Administrative Management Team
Wardens

FROM: Heidi E. Washington, Director

SUBJECT: Pilot Prisoner Electronic Filing Program

SUPERSEDES DOM 2020 - 18 (effective 01/01/2020)

On November 2, 2016, the Michigan Supreme Court authorized a Prisoner Electronic Filing ("e-filing") Program with the Michigan Department of Corrections (MDOC), Administrative Order No. 2016-3. The program is limited to appeals of a criminal conviction filed with the Michigan Supreme Court. The Pilot Program is being conducted the Carson City Correctional Facility (west side only) for level II and IV prisoners and at the St. Louis Correctional Facility. The following conditions apply to the electronic filings by prisoners:

For the initial e-filing of an appeal with the Michigan Supreme Court, a prisoner must use the Criminal Application for Leave to Appeal form created by the Clerk's Office and approved by the MDOC. The form is available through the law library. Funds will not be loaned for a copy of this form. A prisoner who does not have funds to pay for a copy of the form cannot e-file.

Documents that the prisoner wants to e-file with the Michigan Supreme Court cannot contain staples and must be single-sided on standard 8.5 x 11 full-sized sheets of paper. The prisoner is to hand the documents to library staff who will scan the documents and transmit them to the Clerk's Office for filing. An automated e-mail reply will be sent from the Clerk's Office to the MDOC acknowledging receipt of the documents for filing. The original documents will be returned to the prisoner, who must retain the documents in its original filed form and produce them at a later time if ordered by the Court. The MDOC is to keep a copy of the confirmation in a file by prisoner last name. The original confirmation shall be given to the prisoner as soon as practicable.

If the e-filing system is not operational when the prisoner presents the documents to library staff for filing, the prisoner must file the documents through the mail, unless the system is expected to resume operation before the filing deadline.

The Clerk's Office will review the documents as soon as practicable (usually within one business day) for jurisdiction and compliance with court rules. If the Michigan Supreme Court does not have

jurisdiction to hear the appeal or if the documents do not substantially comply with court rules, the Clerk's Office will transmit a Notice of Rejection to the MDOC that specifies the reasons for rejection. The MDOC will keep a copy of the Notice of Rejection in a file by prisoner last name. The original Notice of Rejection shall be given to the prisoner as soon as practicable.

If the documents are accepted for filing, it will be docketed by the Court's case management system and electronically served on the opposing parties if they are registered users of TrueFiling or have provided an official e-mail address to the Court. The Clerk's Office will serve by mail those parties who cannot be served electronically.

The Clerk's Office will transmit a Notice of Electronic Filing to the MDOC that identifies the names and service information of all parties who were served. The MDOC will keep a copy of the Notice of Electronic Filing in a file by prisoner last name and provide the original to the prisoner as soon as practicable. The Notice of Electronic Filing will also be electronically transmitted or mailed to the Michigan Court of Appeals and the trial court/tribunal as notice of the appeal under MCR 7.305(A)(3).

Any filing fees owed by the prisoner must be paid by check or money order made payable to the "State of Michigan" and mailed to the Clerk's Office at the following address within seven days of the electronic filing: 925 W. Ottawa Street, P.O. Box 30025, Lansing, MI 48909. If the Clerk's Office does not receive payment within ten days of the electronic filing, the action may be dismissed administratively.

If a prisoner starts an e-filing and is transferred to another facility that does not have e-filing, the prisoner will need to file any additional documents with the Court by mail and must inform the Court/Clerk's Office of his new location/address. If a prisoner was housed at a facility that did not have e-filing at the time the case was commenced, but is transferred to a facility that has e-filing, he may continue his case using e-filing.

If there are any technical difficulties with the digital equipment, staff are to contact the Director's Office immediately.