



OFFICERS

Penny R. Beardslee,
President
Patricia A. Maceroni,
1st Vice President
Elizabeth LaCosse,
2nd Vice President
Rhonda Ives, Treasurer
Karl Numinen, Secretary
James R. Samuels
Past President

BOARD MEMBERS

Michael Bartish
Joshua Blanchard
Stacia Buchanan
Lynn D'Orio
Robyn Frankel
Stuart G. Friedman
Keeley Heath
Thomas M. Loeb
William Maze
Steven I. Moss
Karl P. Numinen
Mark A. Satawa
Nicole L. Smith
Gary K. Springstead
Michael L. Steinberg
William W. Swor
Dawn Van Hoek
Rafael Villarruel

**RULES AND LAW
COMMITTEE**

Margaret Sind Raben
John A. Shea
Dawn Van Hoek

EXECUTIVE DIRECTOR

Ramona L. Sain

217 S. Capitol
Lansing, MI 48901

517.579.0533 office
www.CDAMonline.org

The Honorable Robert Young
Chief Justice
Michigan Supreme Court
Post Office Box 30052
Lansing, Michigan 48909

re: *ADM File No. 2013-18*
Proposed Amendment of MCR 3.210, 3.215, and 6.104,
and Proposed New MCR 8.124

Dear Chief Justice Young:

On behalf of the Criminal Defense Attorneys of Michigan, I write in opposition to the proposals contained in ADM File No. 2013-18, as they pertain to criminal and juvenile delinquency cases. Consistent with other comments, we are concerned with the application of the proposals in criminal cases, particularly in connection with trials and other evidentiary hearings, and at sentencing. In such proceedings, we believe the use of videoconferencing should be on stipulation of the parties only, followed by court approval.

Initially, we share the concerns voiced by Dawn Van Hoek in her comment on behalf of the State Appellate Defender Office, regarding the proposal impinging on the confrontation clause of the Sixth Amendment. In addition, Michigan long has deferred to the factfinding of judge and jury at trial and other critical hearings, because they are best situated to see, hear and evaluate what is being presented. Demeanor, gaze, inflection, tone and volume of voice, long have been recognized as important cues in taking and evaluating evidence. Too often, videoconference is a poor substitute for a live presentation when it comes to these cues. When liberty is at stake, we should err on the side of a live presentation unless the parties and the court are in agreement that video will not materially degrade decision-making.

As always, we appreciate the opportunity to provide this comment.

Sincerely,

John A. Shea, Co-Chair
Rules and Laws Committee
Criminal Defense Attorneys of Michigan