

p 517-346-6300 March 1, 2013

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Corbin Davis  
Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

**RE: ADM File No. 2011-19 – Proposed Amendments of Rule 6.302 and Rule 6.310 of the Michigan Court Rules**

Dear Clerk Davis:

At its January 18th meeting, the Board of Commissioners of the State Bar of Michigan took action on the above rule amendments published for comment. In its review of both amendments, the Board considered a recommendation from the Criminal Jurisprudence & Practice Committee.

MCR 6.302

The Board voted to oppose the proposed changes to MCR 6.302 due to the perception that it would nullify *People v. Killebrew* case law. Although the amendment is an effort to alleviate possible confusion between plea agreements and plea recommendations, the proposed amendment could actually increase the potential for confusion, and could have a chilling effect on reaching plea agreements.

MCR 6.310

The Board supports the amendment of MCR 6.310(B)(3) which would clarify that a defendant's misconduct that occurs between the time that a plea agreement is accepted and sentencing would result in the defendant's forfeiture of their right to withdraw their plea.

We thank the Court for the opportunity to convey the Board's position.

Sincerely,



Janet K. Welch  
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court  
Bruce A. Courtade, President