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March 30, 2015

Larry S. Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

**RE: ADM File No. 2014-42 – Amendments to Rules 6.006, 6.104, 6.110, and 6.111 and adoption of new Rule 6.108 of the Michigan Court Rules**

Dear Clerk Royster:

At its last meeting, the Executive Committee of the State Bar of Michigan considered the above rule amendments published for comment. In its review, the Committee considered recommendations from the Criminal Jurisprudence & Practice Committee and the Criminal Law Section. The Committee voted unanimously to support the amendments to 6.006, 6.104, 6.110, and 6.111 and the adoption of 6.108 with three recommended amendments:

1. The removal of the term "felony" from MCR 6.108(B).
   By explicitly referencing only felony pleas and felony sentencings, there could be an implication that magistrates could take misdemeanor pleas and sentences at probable cause hearings. Removal of the term "felony" would avoid any confusion.

2. A further amendment to MCR 6.110(B)(2):
   > Upon the request of the prosecuting attorney, the preliminary examination shall commence immediately at the date and time set for the probable cause conference for the sole purpose of taking and preserving the testimony of the victim, if the victim is present <u>in accordance with 6.006(B)</u>. If victim testimony is taken as provided under this rule, the preliminary examination may proceed at the date originally set for that event.

   This change is recommended to ensure that a defendant's right to be present at a preliminary examination is not abridged.

3. A re-inclusion of "Except as otherwise provided by law, the court must conduct the examination in accordance with the rules of evidence" as found in MCR 6.110(C).

We thank the Court for the opportunity to comment on the amendments.

Sincerely,

Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Thomas C. Rombach, President