

February 1, 2022

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

RE: ADM File No. 2021-05 – Proposed Amendments of Rules 6.302 & 6.310 of the Michigan Court Rules

Dear Clerk Royster:

At its January 21, 2022 meeting, the Board of Commissioners of the State Bar of Michigan considered the proposed amendments of Rules 6.302 and 6.310 contained in ADM File No. 2021-05. The Board voted to support the proposed amendments, as they will ensure both that a defendant is fully advised of the consequences of entering into a plea agreement and that, if the final sentencing guideline range is different from the preliminary estimate, the defendant has the ability to withdraw the plea. The Board further recommends that language be added to Rule 6.302 to state explicitly that the defendant must be allowed to withdraw a plea should the actual guideline range be different than the preliminary evaluation estimate. This would make the court rule more consistent with Rule 6.310.

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

Sincerely,



Janet K. Welch
Executive Director

cc: Sarah Roth, Administrative Counsel, Michigan Supreme Court
Dana M. Warnez, President