



## Report on Public Policy Position

**Name of Committee:**

Criminal Jurisprudence and Practice Committee

**Contact Person:**

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**Other:**

Proposed MCR 6.610(I) - Notification of Appellate Rights in the District Court after Misdemeanor Conviction

**Date position was adopted:**

3/17/05

**Process used to take the ideological position:**

Committee discussion

**Number of members in the decision-making body:**

14

**Number who voted in favor and opposed to the position:**

All 10 persons present at/participating in meeting in favor of proposed new rule.

**Position:**

The Committee supports a new court rule on the right to appeal in misdemeanor cases. The text of the proposed rule is below.

**The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:**

Proposed MCR 6.610(I) - Notification of Appellate Rights in the District Court after Misdemeanor Conviction

Immediately after the Judge imposes sentence, the Court shall advise the Defendant of his/her appellate rights as follows:

(1) After Trial. You have a right to appeal your conviction and sentence. If you wish to do so, you must file your claim of appeal within 21 days of today's date. If you cannot afford an attorney, you may petition this court for a court appointed attorney.

(2) After plea of guilty or no contest. You have the right to file an application for leave to appeal your conviction and sentence. If you wish to do so, you must file your application within 6 months of today's date. If you cannot afford an attorney, you may petition this court for a court appointed attorney.

**RECOMMEND STATE BAR ACTION ON THIS ISSUE:****Arguments for the position:**

These appellate rights should be given after sentencing for all misdemeanor offenses, even if the original sentence does not include jail time. If probation is imposed, a violation of probation could result in a jail sentence. Appeals from probation violations are much more limited, and any right to appeal should be based upon an appeal of the underlying conviction and sentence.

**Arguments against the position (if any):**

None provided.

**If the State Bar currently has a position on this subject matter, state the position, and an analysis of whether the recommended position and the current State Bar position are in conflict.**

No previous position of which the committee is aware.

**Fiscal implications of the recommended policy to the State Bar of Michigan:**

No fiscal implication to the State Bar.