

Report on Public Policy Position

Name of committee:

Criminal Jurisprudence & Practice Committee

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Court Rule Amendment:

[ADMN No. 2007-38 – Proposed Amendment of Rule 6.201 of the Michigan Court Rules:](#)

The proposed amendment of MCR 6.201(B)(1) would eliminate the requirement that the prosecuting attorney provide the defendant with any exculpatory information or evidence known to the prosecuting attorney only upon request. This proposal also clarifies that the prosecuting attorney is required to provide such information or evidence regardless of whether it is requested by the defendant. The Court would appreciate specific comments on whether a court rule requiring the prosecuting attorney to provide the defendant with exculpatory information or evidence is necessary, in light of the prosecuting attorney’s constitutional obligation to do so under *Brady v Maryland*, 373 US 83 (1963), and, if so, whether the proposed amendment of MCR 6.201(B)(1) is consistent with the requirements of *Brady*.

Date position was adopted:

March 13, 2008

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

19

Number who voted in favor and opposed to the position:

10 Voted for position

0 Voted against position

Position:

Support

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

[http://courts.michigan.gov/supremecourt/Resources/Administrative/2007-38\(020508\).pdf](http://courts.michigan.gov/supremecourt/Resources/Administrative/2007-38(020508).pdf)