

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE
Respectfully submits the following position on:

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ADM File No. 2014-42

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The Criminal Jurisprudence & Practice Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Jurisprudence & Practice Committee only and is not an official position of the State Bar of Michigan, nor does it necessarily reflect the views of all members of the State Bar of Michigan.

The State Bar position on this matter is to support the amendments to 6.006, 6.104, 6.110, and 6.111 and the adoption of 6.108 with three recommended amendments.

The total membership of the Criminal Jurisprudence & Practice Committee is 18.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 18. The number who voted in favor to this position was 11. The number who voted opposed to this position was 1.

Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence and Practice

Contact persons:

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Proposed Court Rule or Administrative Order Number:

[2014-42 - Amendments of MCR 6.006, 6.104, 6.110, and 6.111 and adoption of new MCR 6.108](#)

The amendments of MCR 6.006, 6.104, 6.110, and 6.111 and adoption of new Rule 6.108 create procedural rules for conducting probable cause conferences and amend current provisions of the preliminary examination court rules to coordinate with 2014 PA 123 and 124.

Date position was adopted:

February 12, 2015

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:

18

Number who voted in favor and opposed to the position:

11 Voted for position

1 Voted against position

0 Abstained from vote

6 Did not vote (absent)

Position:

Support with Recommended Amendments

Explanation of the position, including any recommended amendments:

The committee voted to support the amendments and the adoption of MCR 6.108 with three further amendments:

1. The removal of the term “felony” from MMCR 6.108(B).
2. The 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 in accordance with

6.006(B). If victim testimony is taken as provided under this rule, the preliminary examination may proceed at the date originally set for that event.

3. The 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).

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

http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/court-rules-admin-matters/Adopted/2014-42_2014-12-22_formatted%20order.pdf