

January 30, 2026

Elizabeth C. Kingston-Miller
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2024-10: Proposed Amendment of Rule 6.429 of the Michigan Court Rules

Dear Clerk Kingston-Miller:

The Board of Commissioners of the State Bar of Michigan considered ADM File No. 2024-10 at its meeting on January 23, 2026. In its review, the Board considered recommendations from the Access to Justice Policy Committee, Criminal Jurisprudence & Practice Committee, and Criminal Law Section. The Board voted unanimously to support the proposed amendment of Rule 6.429 with further amendments to Rule 6.429(A) to read:

~~Any~~ An objection to the corrected sentence ~~must~~ may, but need not, be presented to the court at the time that the court provides an opportunity to be heard.

The Bar's committees and sections commenting on this matter were unanimous in their belief that, while it is desirable to provide an opportunity for parties to object to a court's sua sponte correction of an invalid sentence, it is inappropriate to *require* that an objection be made only at the time the court provides an opportunity to be heard. The Board of Commissioners concurred and therefore recommends that the proposed Rule language be permissive, not mandatory.

Thank you for the opportunity to comment on the proposed amendment.

Sincerely,



Peter Cunningham
Executive Director

cc: Sarah Roth, Administrative Counsel, Michigan Supreme Court
Lisa J. Hamameh, President

