STATE OF MICHIGAN 84TH DISTRICT COURT

WEXFORD COUNTY

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July 2, 2010

Mr. Corbin R. Davis
Supreme Court Clerk
P.O. Box 30052
Lansing, MI 48909

Re: Administrative File No. 2010-16

Dear Mr. Davis:

The proposed changes to the Michigan Court Rules in response to *Padilla v Kentucky* are sure to elicit a spirited discussion, especially among district court judges who each take hundreds of guilty pleas each year. Before this begins, I would like to point out what may be an unintended omission in Alternative A.

Unlike Alternative B, Alternative A amends only MCR 6.302, and leaves existing MCR 6.610 unchanged. Therefore, as posted, Alternative A would not require district court judges to make inquiry regarding the risk of deportation when entertaining pleas to misdemeanor offenses. (MCR 6.302 applies only to felony cases per MCR 6.001.) If Justice Alito is correct in his concurring opinion in *Padilla,* there are plenty of offenses cognizable in district court that could result in deportation or exclusion.

I suspect that Alternative A's neglect of MCR 6.610 was inadvertent. If so, perhaps the posting could be changed to clarify this before others base their comments on this distinction.

Very truly yours,

Hon. David A. Hogg
Chief Judge, 84th District Court

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