

# Order

Michigan Supreme Court  
Lansing, Michigan

January 31, 2024

Elizabeth T. Clement,  
Chief Justice

ADM File No. 2022-26

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Megan K. Cavanagh  
Elizabeth M. Welch  
Kyra H. Bolden,  
Justices

Amendments of Rules  
6.425 and 6.610 of the  
Michigan Court Rules

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rules 6.425 and 6.610 of the Michigan Court Rules are adopted, effective May 1, 2024.

[Additions to the text are indicated in underlining and  
deleted text is shown by strikeover.]

Rule 6.425 Sentencing; Appointment of Appellate Counsel

(A)-(C) [Unchanged.]

(D) Sentencing Procedure.

(1) The court must sentence the defendant within a reasonably prompt time after the plea or verdict unless the court delays sentencing as provided by law. At sentencing, the court must, on the record:

(a)-(b) [Unchanged.]

(c) before imposing sentence

(i) provide the defendant's attorney an opportunity to speak on the defendant's behalf,

(ii) address the defendant personally in order to permit the defendant to speak or present any information to mitigate the sentence,

(iii) provide the prosecutor an opportunity to speak equivalent to that of the defendant's attorney, and

(iv) address any victim of the crime who is present at sentencing or

any person the victim has designated to speak on the victim's behalf and permit the victim or the victim's designee to make an impact statement,

- (e) ~~give the defendant, the defendant's lawyer, the prosecutor, and the victim an opportunity to advise the court of any circumstances they believe the court should consider in imposing sentence,~~

(d)-(f) [Unchanged.]

(2)-(3) [Unchanged.]

(E)-(H) [Unchanged.]

#### Rule 6.610 Criminal Procedure Generally

(A)-(F) [Unchanged.]

(G) Sentencing.

(1) For sentencing, the court shall:

(a)-(b) [Unchanged.]

(c) before imposing sentence

- (i) provide the defendant's attorney an opportunity to speak on the defendant's behalf,
- (ii) address the defendant personally in order to permit the defendant to speak or present any information to mitigate the sentence,
- (iii) provide the prosecutor an opportunity to speak equivalent to that of the defendant's attorney, and
- (iv) address any victim of the crime who is present at sentencing or any person the victim has designated to speak on the victim's behalf and permit the victim or the victim's designee to make an impact statement.

(c)-(d) [Relettered (d)-(e) but otherwise unchanged.]

(2)-(4) [Unchanged.]

(H)-(I) [Unchanged.]

*Staff Comment (ADM File No. 2022-26):* The amendments of MCR 6.425(D)(1)(c) and MCR 6.610(G)(1)(c) require a trial court, on the record before sentencing, to personally address the defendant regarding his or her allocution rights and to ensure that, if present at sentencing, the victim or the victim's designee has an opportunity to make an impact statement.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 31, 2024

Handwritten signature of Larry S. Royster in black ink.

Clerk