

Order

Michigan Supreme Court
Lansing, Michigan

March 18, 2026

Megan K. Cavanagh,
Chief Justice

ADM File No. 2024-10

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

Amendment of Rule
6.429 of the Michigan
Court Rules

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 amendment of Rule 6.429 of the Michigan Court Rules is adopted, effective May 1, 2026.

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

Rule 6.429 Correction and Appeal of Sentence

(A) Authority to Modify Sentence. The court may correct an invalid sentence, on its own initiative ~~after giving the parties an opportunity to be heard,~~ or on motion by either party. A court may correct an invalid sentence on its own initiative after giving the parties at least 14 days' notice and an opportunity to be heard, and only if the correction occurs within 6 months of the entry of the judgment of conviction and sentence. If a claim of appeal or an order appointing appellate counsel has been entered, the court must provide that notice to the defendant's appellate counsel. If a party objects to the proposed correction, the party must object in writing before the notice period closes or at the hearing scheduled by the court. If a claim of appeal has been entered, the objecting party must file a copy of the notice and any objection with the Court of Appeals. ~~But~~ The court may not modify a valid sentence after it has been imposed except as provided by law. ~~Any correction of an invalid sentence on the court's own initiative must occur within 6 months of the entry of the judgment of conviction and sentence.~~

(B)-(C) [Unchanged.]

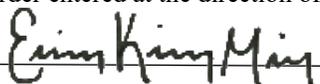
Staff Comment (ADM File No. 2024-10): The amendment of MCR 6.429 reorganizes and updates the rule to clarify that a court must afford parties an opportunity to object to its sua sponte correction of an invalid sentence and that the parties must raise any objections when that opportunity is provided.

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, Elizabeth Kingston-Miller, 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.

March 18, 2026


Clerk