

Order

Michigan Supreme Court
Lansing, Michigan

April 11, 2024

Elizabeth T. Clement,
Chief Justice

ADM File No. 2021-05

Proposed Amendment
of Rule 6.302 of the
Michigan Court Rules

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

On order of the Court, this is to advise that the Court is considering an amendment of Rule 6.302 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

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

Rule 6.302 Pleas of Guilty and Nolo Contendere

(A)-(C) [Unchanged.]

(D) An Accurate Plea.

(1) If the court engages in a preliminary evaluation of the sentence to be imposed, the court must:

(a) state that any sentencing range discussed at the plea hearing is a preliminary estimate and that the final sentencing range determined by the court may differ,

(b) advise the defendant whether they will be permitted to withdraw their plea if the preliminary estimate completed at the time of the evaluation is different than the final sentencing range determined by the court at sentencing, and

- (c) include in the evaluation a numerically quantifiable sentence term or range. A quantifiable sentence range includes language such as “lower/upper half” or “lower/upper quarter.”

(1)-(2) [Renumbered (2)-(3) but otherwise unchanged.]

(E)-(F) [Unchanged.]

Staff Comment (ADM File No. 2021-05): The proposed amendment of MCR 6.302 would require a court that has engaged in a preliminary evaluation of the sentence to inform the defendant that the final sentencing range may differ from the original estimate, and if different, advise the defendant about whether they would be permitted to withdraw their plea, and include in the evaluation a numerically quantifiable sentence term or range.

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.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by August 1, 2024 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2021-05. Your comments and the comments of others will be posted under the chapter affected by this proposal.



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.

April 11, 2024

Clerk