



State Appellate Defender Office

3031 W. Grand Blvd. Ste. 450, Detroit, MI 48202
(Phone) 313.256.9833 (Client calls) 313.256.9822
(Fax) 313.263.0042 www.sado.org

Jonathan Sacks
Director

Marilena David
Deputy Director

Julianne Cuneo
Chief Investigator

Katherine Marcuz
Managing Attorney, Direct Appeals Unit

Tina Olson
Managing Attorney, Juvenile Lifer Unit

Jessica Zimbelman
Managing Attorney, Direct Appeals Unit

September 29, 2023

Justices of the Michigan Supreme Court
Hall of Justice
P.O. Box 30052
Lansing, MI 48909

ADM File No. 2022-34

Honorable Justices,

We write in support of the proposed changes to MCR 3.993 and 6.428. The addition to MCR 3.993 in particular has the potential to benefit juvenile court litigants who were not given the opportunity to appeal harmful decisions and to potentially reverse incorrect decisions.

This Court recently implemented new rules mandating advice of appellate rights to youth in an earlier iteration of this ADM File. Those rules were an important step to ensure that youth in juvenile delinquencies have a full and fair opportunity to appeal orders in their cases, and this new proposal is a natural extension of those rules.

This Court originally adopted a procedure for restoring appellate rights in felony criminal cases in 2005. That rule (MCR 6.428) has been used to restore appellate rights for people within the criminal legal system, with important decisions on the rule coming as recently as April of this year. Juvenile court proceedings, however, have not received the same privilege.

As it relates to juvenile delinquencies, the Gault Center (then the National Juvenile Defender Center) released a report in 2020 noting that appeals have long been almost non-existent in Michigan. This dynamic is in part due to the lack of a requirement that trial courts inform youth of their appellate rights prior to September 1, 2023, when the earlier version of this ADM File went into effect. It is impossible to know how many youth would have appealed their dispositions if they had known of the option, but it is difficult to fathom that none of them would have. The ability to appeal decisions in the juvenile court could potentially have made a difference to many individuals.

By adding MCR 3.993(F), this Court can ensure that those youth who have missed out on opportunities for appeals due to a lack of knowledge will now have a chance to

seek appellate review. They will come closer to having procedural parity with their adult counterparts.

Accordingly, SADO writes in support of the proposed ADM, particularly the additional language for MCR 3.993(F), and we thank you for your consideration.

Respectfully,

A handwritten signature in cursive script that reads "Joshua Pease".

Joshua Pease
Youth Defense Project Director

SADO/MAACS Court Rules and Legislation Committee

Garrett Burton, Assistant Defender
Stephanie Farkas, MAACS Litigation Support Counsel
Brad Hall, MAACS Administrator
Tabitha Harris, Assistant Defender
Steven Helton, Assistant Defender
Emma Lawton, Assistant Defender
Katherine Marcuz, Managing Attorney
Jacqueline McCann, Assistant Defender
Matt Monahan, Assistant Defender
Jonathan Sacks, Director
Jessica Zimbelman, Managing Attorney