

# Order

Michigan Supreme Court  
Lansing, Michigan

June 7, 2023

Elizabeth T. Clement,  
Chief Justice

ADM File No. 2022-16

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

Amendment of Rule  
7.211 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 amendment of Rule 7.211 of the Michigan Court Rules is adopted, effective September 1, 2023.

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

## Rule 7.211 Motions in Court of Appeals

(A)-(B) [Unchanged.]

(C) Special Motions.

(1)-(6) [Unchanged.]

(7) Confession of Error by Prosecutor. In a criminal case, if the prosecutor concurs in the relief requested by the defendant, the prosecutor must file a confession of error and state reasons why concurrence in the relief requested is appropriate. The confession of error will be submitted to the court~~one judge~~ under MCR 7.211(E)(1). If the court~~judge~~ approves the confession of error, the court~~judge~~ will enter an order or opinion granting the relief and state the reason(s) for the approval. If the court~~judge~~ rejects the confession of error, the court must state the reason(s) for the rejection, and the case will be submitted for decision through the ordinary processes of the court, and the confession of error will be submitted to the panel assigned to decide the case.

(8)-(9) [Unchanged.]

(D)-(E) [Unchanged.]

*Staff Comment (ADM File No. 2022-16):* The amendment of MCR 7.211 modifies the Court of Appeals' process for handling confessions of error by requiring the confession of error to be submitted to the Court of Appeals for a decision, not just one judge. It also requires the Court of Appeals to state its reason(s) for approving or rejecting the confession of error.

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.

June 7, 2023

A handwritten signature in black ink, appearing to read "Larry S. Royster".

Clerk