

Order

Michigan Supreme Court
Lansing, Michigan

September 18, 2024

Elizabeth T. Clement,
Chief Justice

ADM File No. 2023-07

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

Proposed Amendment of
Rule 6.433 of the Michigan
Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 6.433 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 6.433 Documents for Postconviction Proceedings; Indigent Defendant

(A)-(B) [Unchanged.]

(C) Other Postconviction Proceedings. An indigent defendant who is not eligible to file an appeal of right or an application for leave to appeal may obtain records and documents as provided in this subrule.

(1)-(2) [Unchanged.]

(3) The court may order the transcription of additional proceedings if it finds that there is good cause for doing so. A defendant must provide the following information before a court can determine whether good cause exists to order transcription under this subrule:

(a) The date of the proceeding(s) for which the defendant is seeking transcription.

- (b) The specific reason(s) why a transcript is needed.
- (c) How each requested transcript will improve the defendant's chance of receiving postconviction relief.

After such a transcript has been prepared, the clerk must provide a copy to the defendant.

(4) [Unchanged.]

Staff Comment (ADM File No. 2023-07): The proposed amendment of MCR 6.433 would require an indigent defendant to provide certain information before a court can consider whether good cause exists to order transcription of additional proceedings.

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 January 1, 2025 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. 2023-07. 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.

September 18, 2024

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

Clerk