

Order

Michigan Supreme Court
Lansing, Michigan

November 6, 2024

Elizabeth T. Clement,
Chief Justice

ADM File No. 2021-05

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

Amendment of Rule
6.302 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 on two separate proposals at 508 Mich 1211 (2021) and 513 Mich ___ (2024), and consideration having been given to the comments received, the following amendment of Rule 6.302 of the Michigan Court Rules is adopted, effective January 1, 2025. Further, the Court declines to adopt the proposed amendments of Rules 6.302 and 6.310 in the order dated November 17, 2021.

[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)-(B) [Unchanged.]

(C) A Voluntary Plea.

(1) [Unchanged.]

(2) If the plea involves a statement by the court that it will sentence to a specified term or within a specified range, the court must:

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

(b) advise the defendant whether any sentencing guidelines range discussed at the plea hearing is part of the plea such that they have a right to withdraw their plea under MCR 6.310(B) if the final sentencing guidelines range determined by the court at sentencing is different, and

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

(2)-(4) [Renumbered (3)-(5) but otherwise unchanged.]

(D)-(F) [Unchanged.]

Staff Comment (ADM File No. 2021-05): The amendment of MCR 6.302(C) requires a court, that states during a plea hearing that it will sentence the defendant to a specified term or within a specified range, to: (1) inform the defendant that the final sentencing guidelines range may differ from the original preliminary estimate, (2) advise the defendant regarding their right to withdraw the plea pursuant to MCR 6.310(B) if the final sentencing guidelines range as determined at sentencing is different, and (3) provide a numerically quantifiable sentence term or range when providing the preliminary estimate.

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.

November 6, 2024

Clerk