

Order

Michigan Supreme Court
Lansing, Michigan

May 23, 2018

Stephen J. Markman,
Chief Justice

ADM File 2017-10

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

Addition of Rule 6.417
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, and consideration having been given to the comments received, Rule 6.417 of the Michigan Court Rules is adopted, effective September 1, 2018.

Rule 6.417 Mistrial

Before ordering a mistrial, the court must, on the record, give each defendant and the prosecutor an opportunity to comment on the propriety of the order, to state whether that party consents or objects, and to suggest alternatives.

Staff Comment: This new rule, based on FR Crim P 26.3, requires a trial court to provide parties an opportunity to comment on a proposed order of mistrial, to state their consent or objection, or suggest alternatives. The rule was pursued following the Court's consideration of *People v Howard*, docket 153651.

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.

May 23, 2018


Clerk