

From: [Michael Roehrig](#)
To: [ADMcomment](#)
Subject: ADM File No. 2018-29 - Proposed Amendments to MCR 6.302 and 6.610 - Comment
Date: Tuesday, October 1, 2019 11:30:38 AM

I am writing to comment on the proposed amendments to Rule 6.302 and Rule 6.610 of the Michigan Court Rules.

I read the changes to require defendants to put on the record the elements of (only) the offense to which they are pleading guilty (which is invariably a less serious offense) while eliminating the option to offer facts satisfying the elements of the charged offense. The amendments appear to want to offer a solution for a non-existent problem, and fail to account for a myriad of situations where a plea to a lesser offense is warranted by the interests of justice.

These proposed changes would, instead, create a problem by impeding plea agreements for (factually unsubstantiated) lesser offenses because the defendants would not be able to establish a factual basis to satisfy the elements of the less serious offense. This would inure to the detriment of both defendants and the interests of justice.



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