

**From:** [Warren, Michael](#)  
**To:** [ADMcomment](#)  
**Subject:** ADM File No. 2019-06  
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Dear Justices,

Philosophically I am in complete agreement that a criminal defendant who tenders a plea in connection with several new charges should be advised of the possibility of consecutive sentencing within the case. (How could I not, the rule being laid down in *People v Warren*?).

However, I write in connection with perhaps an unintended consequence for the current revision of MCR 6.302. As you know, many defendants have several cases across the State and perhaps the nation. The most obvious example that is pertinent to the rule change is when a defendant is on parole and commits another offense. After the defendant is sentenced in the new case, sometimes the Michigan Department of Corrections will remand the defendant back to prison in light of the new case as a violation of parole. The new case is then consecutive to parole on the old case. Another example may be a defendant who is on probation under the Holmes Youthful Training Act status and is avoiding an otherwise mandatory 2 year felony firearm sentence, and a subsequent criminal conviction could result in a violation of probation revocation of HYTA and a consecutive sentence on the old HYTA case. Likewise, a defendant who is on bond on another case can also face consecutive sentencing.

If the intention of the amended language is to ensure that a defendant knows “whether the law permits or requires consecutive sentences” **in the case at hand**, it might be best to add such qualifying language.

Unfortunately, at the time of a plea, judges and lawyers often have incomplete information. There are countless times when a judge takes a plea thinking the defendant was not on probation, parole, bond, etc. and that information is simply incorrect. For what it is worth, not clarifying the language could easily result in a small cottage industry of plea withdrawals of defendants who face consecutive sentences related to other cases without the knowledge of the lawyers or judge at the time of the plea.

Thank you in advance for your thoughtful consideration of this matter.

Very truly yours,

Michael Warren  
Oakland County Circuit Court