

Order

Michigan Supreme Court
Lansing, Michigan

November 18, 2020

Bridget M. McCormack,
Chief Justice

ADM File No. 2020-22

David F. Viviano,
Chief Justice Pro Tem

Amendment of Rule
6.110 of the Michigan
Court Rules

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

On order of the Court, this is to advise that the amendment of Rule 6.110 of the Michigan Court Rules is adopted, effectively immediately. Concurrently, individuals are invited to comment on the form or the merits of the amendment during the usual public comment period. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at [Administrative Matters & Court Rules page](#).

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 6.110 The Preliminary Examination

(A)-(B) [Unchanged.]

(C) Conduct of Examination. A verbatim record must be made of the preliminary examination. The court shall allow the prosecutor and the defendant to subpoena and call witnesses~~Each party may subpoena witnesses~~, offer proofs, and examine and cross-examine witnesses at the preliminary examination. The court must conduct the examination in accordance with the Michigan Rules of Evidence.

(D)-(I) [Unchanged.]

Staff comment: The amendment of MCR 6.110 requires courts to allow a witness called by the prosecutor or defendant to appear at a preliminary examination as provided for by MCL 766.12. This proposal was submitted by the State Bar of Michigan.

The staff comment is not an authoritative construction by the Court. In addition, adoption of an 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 sent to the Supreme Court Clerk in writing or electronically by March 1, 2021, at P.O. Box 30052, Lansing, MI 48909, or ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2020-22. Your comments and the comments of others will be posted under the chapter affected by this proposal at [Proposed & Recently Adopted Orders on Admin Matters page](#).



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 18, 2020

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk