



MICHIGAN COURTS NEWS RELEASE

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Court adopts rule change to promote efficiency, fairness, and justice

New rule allows for discovery in all misdemeanor proceedings in district court

LANSING, MI, March 5, 2020 – The Michigan Supreme Court today adopted [court rule changes](#) that allow for discovery in all misdemeanor proceedings in district court. With the new rule, discovery will be available for defendants who request it, and those who do request it will provide the same to the prosecution. For example, a defendant can now obtain a copy of the police report before deciding to go to trial. Such a request was formerly at the discretion of the prosecutor. Statewide, most prosecutors already provide basic discovery, so the new rule is not expected to be a major burden.

“The [rule](#) the Court adopts today will promote efficiency, fairness, and justice in our district courts,” wrote Chief Justice Bridget M. McCormack in support of the change. “The benefits that will flow from this new rule are significant and overdue.”

Benefits of allowing discovery in misdemeanor cases include:

- Early information helps resolve cases more efficiently, conserving resources of both the parties and the courts.
- Earlier resolution of cases means less court time, less attorney time, and in many cases, less jail time and supervision time.
- Defendants facing prosecution will face less uncertainty.

“All this rule does is give people accused of a crime the right to basic information possessed by the government so they can make informed decisions about how to proceed,” wrote Chief Justice McCormack in a statement joined by Chief Justice Pro Tem David Viviano. “If the Founders beamed into any criminal courtroom in America, they would not recognize the criminal justice system; the least we can do is make that system of pleas one that is slightly more fair.”

With adoption of the amendments to MCR 6.610, all sections of the general discovery court rule would be applicable to misdemeanor proceedings except for the provision relating to mandatory disclosures. The Court had initially published a [very broad rule](#) and subsequently published [two alternative proposals](#), adopting a more limited proposal after extensive [public comment](#) including a public administrative hearing. The structure of the rule is based largely on the federal rules of criminal procedure.

Supporters of the rule change included the State Bar of Michigan Board of Commissioners and the Criminal Defense Attorneys of Michigan. The Prosecuting Attorneys Association of Michigan supported an alternative formulation of a rule allowing for pretrial discovery.

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