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August 14, 2012

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Corbin Davis
Clerk of the Court
Michigan Supreme Court
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Lansing, MI 48909

306 Townsend Street
Michael Franck Building
Lansing, MI
48933-2012

RE: ADM File No. 2010-34 – Proposed Amendment of Rule 6.419 of the Michigan Court Rules

Dear Clerk Davis:

At its July 27, 2012, meeting, the Board of Commissioners of the State Bar of Michigan considered the above rule amendment published for comment. In its review, the Board considered a recommendation from the Criminal Jurisprudence & Practice Committee (attached). The Board voted unanimously to support Alternative B.

We thank the Court for the opportunity to convey the Board's position.

Sincerely,



Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Julie I. Fershtman, President

Report on Public Policy Position

Name of committee:

Criminal Jurisprudence & Practice Committee

Contact persons:

Hon. David Hoort
Gretchen Schlaff

E-mail:

Hon. David Hoort - dhoort@ioniacounty.org
Gretchen Schlaff - Gretchen.Schlaff@macombcountymi.gov

Proposed Court Rule or Administrative Order Number:

2010-34 - Proposed Amendment of Rule 6.519 of the Michigan Court Rules

Alternative A would revise MCR 6.419 to be similar to the federal corollary of this rule (FR Crim P 29[b]). Under this language, the trial court would be entitled to reserve judgment on a motion for directed verdict. Alternative B would allow a trial court to reconsider its decision to grant a directed verdict. This language was proposed based on the United States Supreme Court decision of *Smith v Massachusetts*, 543 US 462 (2005).

Date position was adopted:

June 18, 2012

Process used to take the ideological position:

Position adopted after a discussion at a scheduled meeting and an e-vote.

Number of members in the decision-making body:

20

Number who voted in favor and opposed to the position:

13 Voted for position
3 Voted against position
0 Abstained from vote
4 Did not vote

Position:

Support the Adoption of Alternative B

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

http://courts.michigan.gov/supremecourt/Resources/Administrative/2010-34_2012-05-02_order.pdf