

THIRTY-SIXTH JUDICIAL CIRCUIT COURT POLICY		
SUBJECT: Felony Pleas in District Court	SECTION: Criminal	DATE: 2/17/15
PREPARED BY: Frank Hardester	NUMBER: CR-700	RESCINDS: n/a

Renumbered to "Policy 6.001" on 9/16/20

REFERENCES:

- 2014 Public Acts 123 and 124
- MCL 766.4(3)
- MCR 6.301, MCR 6.302
- SCAO November 20, 2014 Memorandum

DEFINITIONS AND ABBREVIATIONS:

- SCAO – State Court Administrative Office

BACKGROUND: Effective January 1, 2015, 2014 Public Acts 123 and 124 amend various statutes with respect to probable cause conferences and preliminary examinations. Pursuant to these changes, circuit court and district court must have an agreement regarding accepting felony pleas that are contingent upon a sentencing agreement or Cobbs proposals. This policy is designed to address two issues which have arisen locally concerning these amendments.

POLICY STATEMENT:

The 36<sup>th</sup> Circuit Court has agreed with the 7<sup>th</sup> District Court (East & West locations) as follows:

1. Circuit court will accept and honor all Killebrew and Cobbs agreements made in district court in the same manner as if the circuit court accepted the plea. In other words, the circuit court will allow plea withdrawal, absent misconduct, if the court cannot honor the plea. The litigants should use SCAO forms at the time of the plea to assist the courts with this process.
2. If the circuit court allows plea withdrawal, the court will honor timely requests to order a remand of the case to district court for the purpose of conducting a preliminary examination.

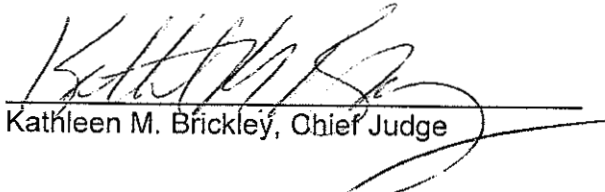
FORMS USED:

CC 414 plea agreement  
 CC 291 advice of rights  
 36CC-0701 sentencing information

APPROVAL:

2/17/2015

Date: February 17, 2015

  
 Kathleen M. Brickley, Chief Judge