

SUBSTITUTE FOR
HOUSE BILL NO. 4625
(As amended October 7, 1999)

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 3a to chapter X.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER X

SEC. 3A. (1) EXCEPT AS PROVIDED IN [SUBSECTIONS (2) AND (3)],
A
DEFENDANT WHO PLEADS GUILTY, GUILTY BUT MENTALLY ILL, OR NOLO
CONTENDERE SHALL NOT HAVE APPELLATE COUNSEL APPOINTED FOR REVIEW
OF THE DEFENDANT'S CONVICTION OR SENTENCE.

(2) THE TRIAL COURT SHALL APPOINT APPELLATE COUNSEL FOR [AN INDIGENT]

DEFENDANT WHO PLEADS GUILTY, GUILTY BUT MENTALLY ILL, OR NOLO
CONTENDERE IF ANY OF THE FOLLOWING APPLY:

(A) THE PROSECUTING ATTORNEY SEEKS LEAVE TO APPEAL.

Sub. H.B. 4625 (H-2) as amended October 7, 1999 2

1 (B) THE DEFENDANT'S SENTENCE EXCEEDS THE UPPER LIMIT OF THE
2 RECOMMENDED MINIMUM SENTENCE RANGE OF THE APPLICABLE SENTENCING
3 GUIDELINES.

4 (C) THE COURT OF APPEALS OR THE SUPREME COURT GRANTS THE
5 DEFENDANT'S APPLICATION FOR LEAVE TO APPEAL.

6 (D) THE DEFENDANT SEEKS LEAVE TO APPEAL A CONDITIONAL PLEA
7 UNDER MICHIGAN COURT RULE 6.301(C)(2) OR ITS SUCCESSOR RULE.

[(3) THE TRIAL COURT MAY APPOINT APPELLATE COUNSEL FOR AN
INDIGENT DEFENDANT WHO PLEADS GUILTY, GUILTY BUT MENTALLY ILL, OR
NOLO CONTENDERE IF ALL OF THE FOLLOWING APPLY:

(A) THE DEFENDANT SEEKS LEAVE TO APPEAL A SENTENCE BASED UPON
AN ALLEGED IMPROPER SCORING OF AN OFFENSE VARIABLE OR A PRIOR RECORD
VARIABLE.

(B) THE DEFENDANT OBJECTED TO THE SCORING OR OTHERWISE
PRESERVED THE MATTER FOR APPEAL.

(C) THE SENTENCE IMPOSED BY THE COURT CONSTITUTES AN UPWARD
DEPARTURE FROM THE UPPER LIMIT OF THE MINIMUM SENTENCE RANGE THAT
THE DEFENDANT ALLEGES SHOULD HAVE BEEN SCORED.]