
FOR IMMEDIATE RELEASE

MCBA Opposes Michigan Attorney General's Plan

WHEREAS, the Macomb County Bar Association, with nearly 100 years of history, is devoted to activities which improve and facilitate the administration of justice in this State and to ensure that due process of law is afforded to the citizens of this State; and

WHEREAS, it has come to the attention of the Macomb County Bar Association that House Bills 4796 and 4797 have been introduced in the Michigan House of Representatives; and

WHEREAS, the Board of Directors of the Macomb County Bar Association has examined the provisions of such proposed legislation; and

WHEREAS, the right to a preliminary examination in all cases provides accused citizens of this State with the follow due process benefits:

the screening of charges brought to consider the evidence underlying the charge is a protection afforded by the preliminary examination;

the preliminary examination affords an accused the ability to move the court to quash the complaint;

the preliminary examination is thus a critical stage of criminal process and is an appropriate limitation on an otherwise unfettered power on the part of the prosecutor to charge citizens with criminal offenses;

the preliminary examination protects the due process rights of discovery and allows for the effective assistance of counsel;

it allows a meaningful hearing to afford citizens the opportunity to have a reduction in the charge and/or bond pending trial on the merits of the complaint; and



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plays a valuable role in securing guilty pleas to avoid trials based upon the strength or weakness of the government's case; and

WHEREAS, the proposed legislation would have the effect of depriving innocent citizens of the State from appropriate defense of charges and effective assistance of counsel,

NOW, THEREFORE, BE IT RESOLVED that by these presents the Macomb County Bar Association, speaking for and on behalf of all citizens:

I.

Hereby publicly opposes and expresses serious concern for the rights of the citizens of Michigan should these proposals be enacted into law.

II.

Encourages public outcry in opposition to the proposed legislation.

That a suitable copy of this Resolution be served upon Representatives McConico, Elsenheimer and VanRegenmorter of the House Judiciary Committee and upon Michael A. Cox, Attorney General for the State of Michigan.

Unanimously adopted by the Board of Directors.

Dated at Mt. Clemens, Michigan, this 14th day of July, 2005.

The Macomb County Bar Association is a non-profit organization dedicated to promoting excellence in the legal profession by delivering quality services to its members and the public. For more information, visit the Macomb County Bar Association's Web site at www.MacombBar.org or call the MCBA at (586) 468-2940.