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State of Michigan
In the Supreme Court

The People of the State of Michigan

Plaintiff-Appellee,

v.

James Gregory Eads

Defendant-Appellant.

MSC No. 168205

COA No. 357332

Wayne County Circuit Court
Case No. 92-007359-01-FC

Brief of Amicus Curiae
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Statement of the Questions Presented

First Question

Is James Eads entitled to relief under *People v Stovall*, 510 Mich 301 (2022)? Is a minimum sentence longer than 39 years, or a maximum sentence of 60 years or more, cruel or unusual punishment in violation of Const 1963, art 1, § 16, when imposed on a youth under the age of 21?

CDAM answers, "Yes."

Second Question

The sentencing court ordered James Eads to serve a prison term that subsumes his life expectancy, without treating his youth as mitigating, and the appellate courts rejected his proportionality claim on direct appeal. Is Mr. Eads entitled to relief on *Milbourn* proportionality grounds?

CDAM answers, "Yes."

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Interest of Amicus Curiae

The Criminal Defense Attorneys of Michigan ("CDAM") is an organization consisting of hundreds of criminal defense attorneys licensed to practice in this state. CDAM was organized for the purposes of: promoting expertise in criminal and constitutional law; providing training for criminal defense attorneys to improve the quality of representation; educating the bench, bar, and public of the need for quality and integrity in defense services; promoting enlightened thought concerning alternatives to and improvements in the criminal justice system; and guarding against erosion of the rights and privileges guaranteed by the United States and Michigan Constitutions and laws. *CDAM Constitution and By-laws,* Art 1, sec 2.

In its order granting leave, this Court invited CDAM to file a brief amicus curiae. *People v Eads*, 25 NW3d 118 (2025) (Docket No. 168205). See also MCR 7.312(H)(2) (permitting CDAM to file an amicus curiae brief without motion for leave).

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Introduction

"When a sentence is not on the table for the most serious offense a juvenile can commit . . . permitting it for a less serious offense is disproportionate and therefore cruel or unusual." *People v Stovall*, 510 Mich 301, 322 (2022). James Eads is serving a sentence of 50 to 75 years in prison for a second-degree murder he committed when he was 16 years old. His sentence "is not on the table" for the more serious offense of first-degree murder. MCL 769.25; MCL 769.25a. As the Court of Appeals correctly held below, James is entitled to resentencing under the principles this Court applied in *Stovall*. *People v Eads*, __ Mich App __ (2025) (Docket No. 357332); slip op at 1.

This motion for relief from judgment is James's first. Therefore, MCR 6.502(G)(2) does not apply.[1] The Court of Appeals appropriately focused on MCR 6.508(D) and found that, because the law of youth sentencing evolved significantly since James's direct appeal in the 1990s, James demonstrated good cause for failing to raise a cruel-or-unusual challenge to his sentence on direct appeal. *Eads*, __ Mich App at __; slip op at 5. See MCR 6.508(D)(3)(a). The Court also found that James is suffering actual prejudice where his sentence is cruel or unusual, and therefore invalid. *Id*. at 1, 15. See MCR 6.508(D)(3)(b)(iv). *Stovall* provides a clear, straightforward path to relief.

The Court of Appeals separately held that James's sentence violates Michigan's proportionality principle. *Eads*, __ Mich App at __; slip op at

[1] In other cases, where the same issue is raised in a successive motion for relief from judgment and MCR 6.502(G) applies, relief is still warranted where a retroactive change in law—*Miller v Alabama*, 567 US 460 (2012), and/or *People v Parks*, 510 Mich 225, 232 (2022)—occurred after the first motion for relief from judgment was filed. See *People v Stovall*, 510 Mich 301, 310-311 (2022) (Mr. Stovall's successive motion for relief from judgment was properly "based on" *Miller* and *Montgomery v Louisiana*, 577 US 190 (2016), even though those cases did not grant relief to Mr. Stovall). See also *People v Poole*, 510 Mich 851, 851 (2022) (Mr. Poole's motion for relief from judgment was properly "based on" *Miller* and *Montgomery*, even though those cases did not grant relief to Mr. Poole).

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15. Since James challenged the proportionality of his sentence on direct appeal, this claim is subject to MCR 6.508(D)(2), rather than MCR 6.508(D)(3).[2] MCR 6.508(D)(2) provides that, when a motion for relief from judgment "alleges grounds for relief which were decided against the defendant in a prior appeal," a court may only grant relief where "a retroactive change in the law has undermined the prior decision." The Court of Appeals held that James is entitled to relief on proportionality grounds where "a retroactive change in the law—*Miller* and its progeny" undermines the prior decision that his sentence was proportionate. *Eads*, __ Mich App at __; slip op at 5. This Court has recognized, consistent with the *Miller* line of cases, that youth mitigates one's culpability and must be considered at sentencing. See *People v Boykin*, 510 Mich 171, 189 (2022). Given modern science and caselaw, James's proportionality claim requires resentencing.

Because the Court of Appeals correctly applied the law and issued a well-reasoned, published opinion, this Court should vacate its order granting leave. In the alternative, this Court should issue an opinion that clarifies for the bench and bar who is entitled to relief under *Eads*: people serving a minimum term of 39 years or more, or a maximum sentence of 60 years or more, for an offense less serious than first-degree murder that occurred when they were under 21 years old. See *People v Parks*, 510 Mich 225, 252, 266-267 (2022) (18-year-olds are indistinguishable from 17-year-olds for purposes of sentencing and are entitled to the same protections); *People v Taylor*, __ Mich __ (2025); slip op at 37 (19- and 20-year-olds are indistinguishable from 18-year-olds for the purposes of sentencing and are entitled to the same protections).

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[2] In other cases, where proportionality was not previously raised and MCR 6.508(D)(3) applies, good cause is shown where the science and law relevant to youth sentencing have changed significantly, rendering a proportionality claim meritorious. MCR 6.508(D)(3)(a). And a person demonstrates actual prejudice requirement where they are serving a disproportionate and therefore invalid sentence. MCR 6.508(D)(3)(b)(iv).

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Statement of Facts

James Gregory Eads was born in 1975 to Sharon Eads and James Anderson. PSIR. Sharon was 19 years old at the time. PSIR.[3]

When James was 11 years old, his father was shot and killed in a bar following an argument. PSIR. James never adjusted to his father's death. PSIR. James's mother was unemployed and relied on state assistance to survive. PSIR.

Following his father's death, James stopped living in his family's home on a consistent basis. PSIR. He lacked housing stability from the age of 11 onward. PSIR. Rather than living with his mother, he lived with members of a street gang, the Latin Counts. PSIR. James began using and selling drugs at age 11. PSIR. He sold crack cocaine in connection with his gang membership. PSIR.

James failed seventh grade twice. PSIR. Regarding James's school attendance, his mother reported, "I sent him to school. I don't know if he went or not." PSIR.

As a teen, James's coping mechanisms included daily, heavy alcohol consumption and smoking "six or seven joints" of marijuana per day. PSIR.

James had no criminal prior convictions. PSIR. He had been adjudicated as a juvenile for several non-violent offenses, including breaking and entering, retail fraud, and unlawful driving away. PSIR.

[3] The PSIR was authored on 10/20/1992, James's 17th birthday, and indicates that Ms. Eads was 36 years old at the time of writing.

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James struggled at WJ Maxey Training School[4] and ultimately escaped from that facility with two other residents. PSIR.

At age 16, James was charged with first-degree premeditated murder. PSIR. James took his case to trial. PSIR. The evidence presented at trial showed that James was a member of the Latin Counts. T I, 258-260. On May 19, 1992, James rode in a car with several other youth to a residence on Burton Street. T I, 249-253. There, Eric Kincaid, who was wearing a T-shirt bearing the insignia of a rival gang, was shot and killed. T I, 258-260; T II, 102-111.

A jury convicted James of second-degree murder, rejecting the prosecutor's theory that the killing had been premeditated. T IV, 9.

In his statement to the PSIR writer in 1992, James described the scenario leading up to the shooting: "I was in a car that was being rushed by rival gang members." PSIR. He explained that he "jumped out of the car shooting" because he was afraid for his life. PSIR.

The sentencing court heard argument about whether James should be sentenced as an adult or as a juvenile. ST, 18-23, 29-33. A clinician and a staff member at the Wayne County Youth Home both believed that James should be sentenced as a juvenile; other reports recommended that he be sentenced as an adult. ST, 16-17, 22-23, 29-33.

Prior to stating that it would sentence James as an adult, the court emphasized that James's offense was unprovoked and was gang related. ST, 38-39. The court concluded that James should be sentenced as an

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[4] In 2002, the Department of Justice opened an investigation into the longstanding practices of Maxey Boys Training School. A 2004 report details a wide array of civil rights concerns, including: "disturbing" use of restraints, "arbitrary" use of isolation, "no efforts" to provide education services mandated in Section 504, and a "failure" to provide adequate medical and mental health care to its residents. The full report from the DOJ Civil Rights Division is available at <https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/granholm_findinglet.pdf> (accessed March 6, 2026).

adult because "there's nothing that a juvenile facility could do for him." ST, 38.

Using the adult criminal sentencing guidelines, the sentencing court calculated James's guidelines range to be 12 to 25 years. SIR; ST, 7-8. The court imposed a sentence of 50 to 75 years in prison. ST, 40.

James's convictions and sentences were affirmed on direct appeal. The instant appeal follows the trial court's denial of James's first motion for relief from judgment.

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Arguments

I. Mr. Eads is entitled to relief under *People v Stovall*, 510 Mich 301 (2022). A minimum sentence longer than 39 years and/or a maximum sentence longer than 60 years is cruel or unusual punishment in violation of Const 1963, art 1, § 16, when imposed on a youth under the age of 21.

Standard of Review

This Court reviews constitutional questions and questions of law de novo. *Parks*, 510 Mich at 245; *People v Hawkins*, 468 Mich 488, 497 (2003). This Court alone is "the ultimate authority with regard to the meaning and application of Michigan law." *People v Bullock*, 440 Mich 15, 27 (1992).

Discussion

James Eads's sentence is cruel or unusual because it condemns him to die in prison without considering that his youth mitigated his culpability and made him especially amenable to rehabilitation, *Parks*, 510 Mich at 259, and because it does not provide him "a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation." *Stovall*, 510 Mich at 320 (internal quotation marks and citations omitted). The Court of Appeals, applying *Stovall*, concluded a 50-to 75-year sentence for a child convicted of second-degree murder "violates the Michigan Constitution's prohibition against cruel or unusual punishment." *Eads*, __ Mich App at __; slip op at 1. *Stovall* requires relief here, where James's sentence is cruel or unusual. See *Stovall*, 510 Mich at 322.

This Court uses a four-prong test to determine whether a sentence is cruel or unusual: "(1) the severity of the sentence imposed compared to the gravity of the offense, (2) the penalty imposed for the offense compared to penalties imposed on other offenders in the same jurisdiction, (3) the penalty imposed for the same offense in other states, and (4) whether the penalty imposed advances the penological goal of rehabilitation." *Bullock*, 440 Mich at 33-34, citing *People v Lorentzen*,

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387 Mich 167, 176-181 (1972). As in *Stovall*, the *Bullock* factors here demonstrate that James's sentence is cruel or unusual.

a. A minimum sentence longer than 39 years and/or a maximum sentence longer than 60 years is an excessively harsh penalty for a youth convicted of an offense less serious than first-degree murder.

The first *Bullock* factor compares the severity of the sentence to the gravity of the offense. *Bullock*, 440 Mich at 33. While second-degree murder is a grave offense, 16-year-old James Eads's 50-to-75-year sentence is overly harsh. James's sentence functions similarly to a life sentence without the possibility of parole, even though he was acquitted of first-degree murder and was a child at the time of the offense.

James will likely die in prison before becoming eligible for parole. In Michigan, children sentenced to serve life without parole (LWOP) have an average life expectancy of 50.8 years.[5] James's life expectancy predicts that he will die 17 years before he will first be eligible for parole. His sentence does not provide a meaningful opportunity for parole as required by *Miller* and its progeny. See *Sumner v Shuman*, 483 US 66, 83 (1987) ("[T]here is no basis for distinguishing . . . between an inmate serving a life sentence without possibility of parole and a person serving several sentences of a number of years, the total of which exceeds his normal life expectancy.")

Below, the Court of Appeals correctly held that James's sentence is "unduly severe." See *Eads*, __ Mich App at __; slip op at 9. The Court of Appeals reasoned that his sentence is the functional equivalent of a life sentence. *Id.*; slip op at 9 (applying the United States Sentencing Commission's definition of a life sentence: a period of incarceration of 470 months, about 39 years, or more). Such a sentence is particularly severe when imposed on a child, given the important ways that children are different from adults. *Id.* James's minimum sentence—and any

[5] *Michigan Life Expectancy Data for Youth Serving Natural Life Sentences*, available at <https://perma.cc/2GXM-TKGB>.

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minimum sentence of 39 years or longer—is unduly harsh, given that he was convicted of second-degree murder and was a teenager at the time.

Given his current sentence, James will not be eligible for parole until he has served 52 years of incarceration (when he will be 68 years old).[6] The MDOC can hold James in prison until he has served 77 years of incarceration (when he will be 93 years old).[7]

In *Stovall*, this Court held that a parolable life sentence imposed on a child for second-degree murder is cruel or unusual punishment in violation of Const 1963, art 1, § 16. *Stovall*, 510 Mich at 322. Mr. Stovall appealed from the denial of his successive motion for relief from judgment and this Court vacated his sentence and remanded for resentencing. *Id.* at 323.

This Court explained, "When a sentence is not on the table for the most serious offense a juvenile can commit . . . permitting it for a less serious offense is disproportionate and therefore cruel or unusual." *Id.* at 317 (referring to first-degree murder as the most serious offense and second-degree murder as a less serious offense). Further, regarding the maximum sentence:

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[6] James's minimum and maximum sentences run consecutively with the 2-year sentence he received for his felony-firearm conviction, bringing his aggregate sentence to 52 to 77 years.

[7] The Michigan Department of Corrections' estimated date for when Mr. Eads may be eligible for parole, which the Offender Tracking Information System currently reports as August 8, 2040, cannot be relied upon when determining whether his sentence of 50 to 75 years for second-degree murder is constitutional. The current calculation of Mr. Eads' earliest release date includes disciplinary credit that he may or may not receive. The MDOC has discretion to award and revoke disciplinary credit. See MCL 800.33(5). Further, a sentence may not be enhanced to compensate for statutorily-mandated disciplinary credits. *People v Fleming*, 142 Mich App 119 (1985), aff'd 428 Mich 408 (1987); *People v Stack*, 156 Mich App 564 (1986). In any event, on August 8, 2040, James will be 64 years and 9 months old, assuming he outlives his life expectancy by 14 years.

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> [T]he Legislature has made clear its intent that for juvenile first-degree-murder convictions, such a meaningful opportunity for release is generally available after 60 years unless the juvenile offender was afforded the procedural protection of a *Miller* hearing. It does not rationally follow that a meaningful opportunity for release for a juvenile convicted of second-degree murder could come after a longer period of incarceration than the maximum served by a juvenile convicted of first-degree murder. [*Id.* at 321.]

The Parole Board's authority over James extends beyond his sixtieth year of incarceration—longer than for those convicted of first-degree murder and sentenced to terms of years per MCL 769.25 and MCL 769.25a. James's maximum sentence—and any maximum sentence of 60 years or longer—is disproportionately harsh, given the offense and his youth. See *Stovall*, 510 Mich at 318.

"The severity of the sentence is also heightened by the fact that unlike courts sentencing juveniles who commit first-degree murder, sentencing courts who sentenced defendants like Mr. [Eads]—those convicted of second-degree murder committed while they were juveniles—have not been required to consider the mitigating qualities of youth identified in *Miller* before imposing sentence." *Id.* at 315.

Youth like James are less culpable and more capable of change than adults whose brains are fully developed. *Parks*, 510 Mich at 259. "[I]t would be profoundly unfair to impute full personal responsibility and moral guilt to those who are likely to be biologically incapable of full culpability." *Id.* (quotation marks and citation omitted).[8] The fact that adolescents' brains are still developing means that they are amenable to

[8] See also Insel, Tabashneck, et al., *White Paper on the Science of Late Adolescence*, Center for Law, Brain & Behavior (2022), p 36, available at <https://clbb.mgh.harvard.edu/white-paper-on-the-science-of-late-adolescence/> (accessed March 11, 2026) ("Late adolescents exhibit enhanced neural sensitivity to rewards, as compared to children and adults, which enhances the vulnerabilities for risk-taking . . . but also creates a window of opportunity for prosocial learning and adaptation.").

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rehabilitation: the "hallmarks of the developing brain render late adolescents less fixed in their characteristics and more susceptible to change as they age." *Parks*, 510 Mich at 251. As they mature, adolescents better understand the consequences of their actions, take fewer risks, become less susceptible to peer pressure, and tend less toward aggression. *Id.* at 251-252. Indeed, teens who serve prison terms for homicide and re-enter society as adults are far less likely to re-offend than people who commit homicide as adults.[9] Given "the dynamic neurological changes that late adolescents undergo as their brains develop over time and essentially rewire themselves," *Id.* at 258, condemning youth to die in prison is excessive and cruel.

James was 16 years old at the time of his offense, which was less severe than first-degree murder. His sentence of 50 to 75 years in prison—indeed, any sentence longer than 39 years on the minimum or 60 years on the maximum—is excessive.

b. A minimum sentence longer than 39 years and/or a maximum sentence longer than 60 years for a youth convicted of an offense less serious than first-degree murder is disproportionate when compared to other sentences in Michigan.

The second *Bullock* factor compares James's sentence to penalties for others in the same jurisdiction. *Bullock*, 440 Mich at 33. As an initial matter, James could have been sentenced as a juvenile for this offense. See ST, 18-23, 29-33. A juvenile disposition would not have included prison time. Juvenile probation and/or out-of-home placement stand in stark contrast to the 50- to 75-year sentence imposed here.

Once the court decided to sentence James as an adult, the sentencing guidelines became relevant. But the guidelines contain no mitigating variables and do not account for youth. Even so, the court calculated the

[9] Daftary-Kapur and Zottoli, *Resentencing of Juvenile Lifers: The Philadelphia Experience*, Montclair State University (2020), p 3, 10, available at <https://digitalcommons.montclair.edu/justice-studies-facpubs/84> (accessed March 11, 2026).

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guidelines to be 12 to 25 years, SIR; ST, 7-8, then imposed a minimum sentence that is more than four times the bottom of the guidelines, and twice the top of the guidelines. ST, 40. The trial court far exceeded the sentencing guidelines—which already fail to account for the mitigating circumstances of youth.

As the Court of Appeals observed in its opinion below, James's sentence is the functional equivalent of a life sentence. Comparing his sentence to penalties for the more serious crime of first-degree murder demonstrates that James's sentence is disproportionate. In Michigan, LWOP is not available for second-degree murder. MCL 750.317; *Stovall*, 510 Mich at 314-315. LWOP is reserved for the rare youth who is convicted of first-degree murder and whose youth does not mitigate his crime to warrant a term-of-years sentence. *Miller*, 567 US at 479-480. All other youth are entitled to "a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation." *Stovall*, 510 Mich at 320 (internal quotation marks and citations omitted); *Montgomery*, 577 US at 212-213.

To seek LWOP for a young person convicted of first-degree murder, the prosecution must file a motion requesting that sentence, and the trial court must hold a *Miller* hearing. MCL 769.25; MCL 769.25a. Otherwise, the sentencing court may not impose LWOP. *Id*. To justify the imposition of LWOP, the prosecution must rebut, by clear and convincing evidence, "the presumption that LWOP is a disproportionate sentence." *People v Taylor*, 510 Mich 112, 119-120 (2022).[10]

"Without the safeguards of (1) the prosecution timely moving the trial court to sentence a juvenile convicted of first-degree murder to

[10] The standard of "clear and convincing" evidence is the most demanding standard applied in civil cases, and is defined as evidence that "produce[s] in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established, evidence so clear, direct and weighty and convincing as to enable [the factfinder] to come to a clear conviction, without hesitancy, of the truth of the precise facts in issue." *In re Martin*, 450 Mich 204, 227 (1995) (internal quotation marks and citation omitted).

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LWOP; (2) the trial court conducting a hearing focused on the *Miller* factors; and (3) the trial court determining that the particular offender deserves LWOP," the highest minimum sentence for a juvenile convicted of first-degree murder is 40 years, and the "maximum release date . . . is typically 60 years." *Stovall*, 510 Mich at 317, citing MCL 769.25(4); MCL 769.25(9); MCL 769.25a(4)(c).

James was sentenced to serve 50 to 75 years in prison for a second-degree murder he committed at age 16. He has never received the procedural protections of MCL 769.25, yet he is serving a longer minimum and a longer maximum term than allowed for the more serious offense of first-degree murder. His sentence is overly harsh.

c. A minimum sentence longer than 39 years and/or a maximum sentence longer than 60 years for a youth convicted of an offense less serious than first-degree murder is disproportionate when compared to sentences in other states.

Bullock's third factor compares Michigan's penalty to penalties imposed for the same offense in other jurisdictions. *Bullock*, 440 Mich at 33-34. A sentence with a minimum longer than 39 years and/or a maximum longer than 60 years for second-degree murder is disproportionate when compared to sentences in other states and flouts the evolving standards of decency in this country. See *Lorentzen*, 387 Mich at 178 (Const 1963, art 1, § 16 requires criminal sentences to comport with the evolving standards of decency).

Many other courts have applied *Miller* to bar de facto life sentences. See, e.g., *State v Ragland*, 836 NW2d 107, 121 (Iowa, 2013) ("[T]he unconstitutional imposition of a mandatory life-without-parole sentence is not fixed by substituting it with a sentence with parole that is the practical equivalent of a life sentence without parole."); *McKinley v Butler*, 809 F3d 908, 911 (CA 7, 2016); *People v Caballero*, 55 Cal 4th 262, 268 (2012); *People v Franklin*, 63 Cal 4th 261, 276 (2016); *Casiano v Comm'r of Correction*, 317 Conn 52, 73-76 (2015); *People v Buffer*, 2019 IL 122327 (2019); *State v Null*, 836 NW2d 41, 70-72 (Iowa, 2013); *State v Zuber*, 227 NJ 422, 448 (2017); *State v Kelliher*, 381 NC 558, 560, 576-

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578 (2022); *State v Moore*, 149 Ohio St 3d 557, 583 (2016); *Bear Cloud v State*, 2014 WY 113 (2014).

In general, Michigan is an outlier in sentencing some children convicted of murder to exceedingly long prison terms. Michigan is among the minority of states that still permit LWOP for juveniles convicted of first-degree murder. Thirty-three states and the District of Columbia have banned life without parole sentences for juveniles or have no one currently serving a life sentence for an offense committed as a juvenile.[11]

James's 50-to-75-year sentence is more severe than other states' penalties for the more serious crime of first-degree murder. Most jurisdictions set parole or resentencing eligibility between 20 and 30 years for juveniles convicted of first-degree murder. *Fletcher v State*, 532 P3d 286, 297 (Alas App, 2023). "Notably, no jurisdiction that has fixed a maximum parole eligibility for juvenile offenders [convicted of *first-degree murder*] requires juvenile offenders to serve more than 40 years before becoming eligible for parole." *Id*. "At least two states (Oregon and West Virginia) make juvenile offenders [convicted of *first-degree murder*] eligible for parole after they have served 15 years. At least ten states (Arkansas, California, Connecticut, Massachusetts, Nevada, New Mexico, Ohio, Utah, Virginia, and Wyoming) set parole eligibility for juvenile offenders [convicted of first-degree murder] between 20 and 30 years." *Id*. at 296-297 (internal citations omitted). Further, at least five jurisdictions—the District of Columbia, Maryland, North Dakota, Florida, and Delaware—"have enacted 'second look' statutes that allow all juvenile offenders to apply for resentencing after they have served" between 15 and 30 years. *Id*. at 297.

When sentencing a child convicted of first-degree murder, a Michigan court must consider the juvenile's youth, and must consider how youth mitigates culpability and increases their potential for rehabilitation.

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[11] *Juvenile Life Without Parole: Unusual & Unequal*, The Campaign for the Fair Sentencing of Youth, p 5, available at <https://cfsy.org/wp-content/uploads/JLWOP-Unusual-Unequal-April-2024.pdf> (accessed March 8, 2026).

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People v Boykin, 510 Mich 171, 189 (2022). Many other jurisdictions have adopted similar rules. *Fletcher*, 532 P3d at 298. Though he was 16 at the time of his offense, James received no such protection.

When evaluating the constitutionality of a parolable life sentence for a child, this Court discussed other states' sentencing schemes for second-degree murder and found that the third *Bullock* factor weighed in favor of granting sentencing relief. *Stovall*, 510 Mich at 319-320.

The following states do not permit a sentence of parolable life for second-degree murder: Arizona, Arkansas, Georgia, Iowa, Maryland, Tennessee, Virginia, and West Virginia. *Id*. at 319-320. In addition to disallowing parolable life, none of these states allow for a sentence as long as James's:

State	**Available sentence for Juveniles Convicted of Second-Degree Murder**	**Citation**
Arizona	10 to 25 years, with a presumptive sentence of 16 years; or, if aggravated based on prior record, 15 to 29 years, with a presumptive sentence of 20 years	Ariz Rev Stat 13-710
Arkansas	6 to 30 years	Ark Code 5-10-103; Ark Code 5-4-401
Georgia	10 to 30 years	Ga Code 16-5-1
Iowa	50-year maximum	Iowa Code 707.3
Maryland	40-year maximum	Md Code, Crim Law 2-204
Minnesota	40-year maximum	Minn Stat 609.19
New Mexico	18 years	NM Stat 30-2-1; NM Stat 31-18-15(4)

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Tennessee	15 to 60 years	Tenn Code 39-13-210; Tenn Code 40-35-112
Virginia	5 to 40 years	Va Code 18.2-32
West Virginia	10 to 40 years	W Va Code 61-2-3

James's sentence of 50 to 75 years in prison is harsher than penalties imposed in other states and violates the evolving standards of decency.

d. A minimum sentence longer than 39 years and/or a maximum sentence longer than 60 years does not serve the goal of rehabilitation.

The fourth and final *Bullock* factor requires the Court to consider the relationship between James's sentence and rehabilitation. *Bullock*, 440 Mich at 34. Our state's "historical record demonstrates that a person's potential for rehabilitation and reentry into society has long played a unique and heightened role in Michigan." *People v Taylor*, __ Mich __ (2025); slip op at 33. See also *Lorentzen*, 387 Mich at 179. James's sentence does not serve the goal of rehabilitation.

James's 50-to-75-year prison sentence fails to consider that youth are uniquely capable of reform. *Parks*, 510 Mich at 235, 258-259. Although James was only 16 years old at the time of his offense, his first opportunity to demonstrate his rehabilitation to the Parole Board will come after he has served 50 years in prison, and after his life expectancy has elapsed.

Further, James's sentence renders him ineligible for many rehabilitative opportunities. People who are serving long term-of-years sentences are "given lower priority for educational and rehabilitative programming," which are particularly "vital" to youth "to enhance their growth and rehabilitative potential." *Eads*, __ Mich App at __; slip op at 13 (quotations marks omitted), citing *Stovall*, 510 Mich at 320-321. Due to the length of his sentence, James is at "the very bottom of the Michigan Department of Corrections' (MDOC) priority list for placement

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in academic programming" and is the MDOC's lowest priority for career-and-technical-education programming. *Eads*, __ Mich App at __; slip op at 13.[12] James's sentence does not achieve Michigan's uniquely important goal of rehabilitation.

Despite this Court's decision in *Stovall*, children like James languish in prison without any meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. *Stovall*, 510 Mich at 320 (internal quotation marks and citations omitted); *Montgomery*, 577 US at 212-213. A long term-of-years sentence imposed on a child, one which he cannot outlive, violates Const 1963, art 1, § 16.

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Each of the *Bullock* factors supports finding that James's sentence is cruel or unusual in violation of Const 1963, art 1, § 16. The prosecution's application does not argue that the Court of Appeals incorrectly analyzed any of the *Bullock* factors in its opinion below. The Court of Appeals followed *Stovall*, as it was required to, and correctly held that James is entitled to resentencing.

[12] See also MDOC Policy Directive 05.01.100 (providing that "programming priority date shall be the Parole Board Jurisdiction (PBJ) date.") James's PBJ is extremely far in the future, reducing his access to rehabilitative opportunities.

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II. The sentencing court ordered James Eads to serve a prison term that subsumes his life expectancy, without treating his youth as mitigating, and the appellate courts rejected his proportionality claim on direct appeal. Mr. Eads is entitled to relief on *Milbourn* proportionality grounds.

The Court of Appeals found that James's sentence violates Michigan's proportionality principle. *Eads*, __ Mich App at __; slip op at 15. James challenged the proportionality of his sentence on direct appeal. Appellant's Appendix, 52A-57A (James's brief on appeal in his appeal of right, arguing in Issue III that his sentence was disproportionate, citing *People v Milbourn*, 435 Mich 630 (1990)). Therefore, this claim is subject to MCR 6.508(D)(2),[13] rather than MCR 6.508(D)(3).

The Court of Appeals correctly held that James is entitled to relief on this claim where "a retroactive change in the law—*Miller* and its progeny—undermines the prior sentencing decision." *Id.* at __; slip op at 5 (applying MCR 6.508(D)(2)). The Court of Appeals' prior opinion in James's case, issued in 1994, is no longer controlling because the framework for evaluating sentences for youth has changed. *Freeman v DEC Intern. Inc.*, 212 Mich App 34, 38 (1995) (law of the case doctrine does not apply where there is an intervening change in the law).

What constitutes cruel or unusual punishment is based on society's evolving standards. *Lorentzen*, 387 Mich at 178. Cases like *Miller*, *Parks*, *Stovall*, and *Taylor* have altered the legal landscape of youth sentencing. These changes in the law, and the modern science on which they are based, affect the *Milbourn* proportionality analysis for youth. In recent years, this Court has recognized that youth are biologically distinct from adults, are less capable of fully understanding the consequences of their actions, are more susceptible to pressure from

[13] MCR 6.508(D)(2) provides that, when a motion for relief from judgment "alleges grounds for relief which were decided against the defendant in a prior appeal," a court may only grant relief where "a retroactive change in the law has undermined the prior decision."

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peers and others, take more risks, and are more amenable to rehabilitation. *Parks*, 510 Mich at 251-252, 259. The mitigating circumstances of youth inform an assessment of proportionality.

MCR 6.508(D)(2) acknowledges that, when the law changes, relief may be warranted on a claim that was previously rejected. The Court of Appeals correctly held that *Miller* and its progeny undermined the prior decision that James's sentence was proportionate. In light of modern brain science and caselaw, which establish that youth are different from adults and must be treated differently at sentencing, James's sentence is disproportionate and he is entitled to relief. The Court of Appeals applied the law correctly and reached the right result.

The prosecution misunderstands the Court of Appeals' holding. The prosecution believes the Court of Appeals applied *People v Boykin*, 510 Mich 171 (2022), retroactively to cases on collateral review. Appellant's Supplemental Brief, p 35. In reality, the Court of Appeals held that, where James Eads challenged the proportionality of his sentence on direct appeal and again on collateral review, *Miller*—a retroactive change in law—undermined the prior decision that James's sentence was proportionate. *Eads*, __ Mich App at __; slip op at 5. Therefore, James is entitled to resentencing.

The Court of Appeals never stated that it was applying *Boykin* retroactively. Rather, it re-examined James's proportionality claim because of a different, decidedly retroactive change in the law: *Miller*. See *Montgomery*, 577 US at 206 ("*Miller* announced a substantive rule that is retroactive in cases on collateral review"). The Court of Appeals did not analyze whether *Boykin* applies retroactively because this case does not present that question. MCR 6.508(D)(2) applies here and requires no such analysis. James's case does not require this Court to decide whether *Boykin* announced new rule and, if so, whether that rule applies retroactively to cases on collateral review.

If this Court does address whether *Boykin* announced a new rule, this Court should hold that the portion of *Boykin* that applies to James—that youth affects a court's proportionality analysis—is not a new rule

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and therefore applies retroactively; or, in the alternative, that it is a substantive new rule and applies retroactively.

In *People v Maxson*, this Court addressed what constitutes a "new rule" for retroactivity purposes. *People v Maxson*, 482 Mich 385, 388-389 (2008). " '[A] case announces a new rule when it breaks new ground or imposes a new obligation on the States or the Federal Government.' " *Id.* at 388, quoting *Penry v Lynaugh,* 492 US 302, 314 (1989) (cleaned up). To determine whether a rule is new, a court asks whether a reasonable jurist would have felt compelled by existing precedent to apply the rule. *Maxson*, 482 Mich at 388-389, citing *O'Dell v Netherland,* 521 US 151, 156 (1997), and *Beard v Banks,* 542 US 406, 413 (2004). If not, then the rule is new.

In *Boykin*, this Court held, "Given that youth is a mitigating factor, it will inevitably factor into *Snow*'s four [proportionality] considerations." *Boykin*, 510 Mich at 189, citing *People v Snow*, 386 Mich 586, 592 (1972).[14] This Court specified, however, that "trial courts need not articulate their bases for considering" youth on the record at sentencing. *Boykin*, 510 Mich at 190.

The rule that a sentence must be proportionate is not new. Michigan courts have long held that a sentence must be "proportionate to the seriousness of the circumstances surrounding the offense and the offender." *People v Steanhouse*, 500 Mich 453, 459 (2017), citing *Milbourn*, 435 Mich at 636. This suggests that *Boykin*—which requires a sentencer to consider the characteristics of the individual being sentenced—did not announce a new rule. The science and caselaw that

[14] The *Boykin* Court explained that, when imposing a sentence, a trial court must consider the "four basic sentencing considerations" set forth in *Snow*, 386 Mich at 592: (1) "reformation of the offender," (2) "protection of society," (3) "disciplining of the wrongdoer," and (4) "deterrence of others from committing like offenses", and a child's sentence cannot adequately address these considerations unless the trial court views them through the mitigating lens of youth. *Boykin*, 510 Mich at 188-189.

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inform a court's proportionality analysis, however, have evolved significantly. The shifts in youth sentencing change the proportionality calculus, but not the underlying rule. See *People v Phillips*, 416 Mich 63, 67-68 (1982) (holding that an appellate decision did not establish a new rule where it "neither announced a departure from clear precedent nor decided an issue of first impression whose resolution was not clearly foreshadowed" and, therefore, the decision applied retroactively). *Boykin* did not depart from clear precedent; rather, it aligns with Michigan's existing proportionality jurisprudence. *Boykin* applies retroactively and requires relief in cases like James's, where youth are serving extreme, disproportionate sentences that do not provide them with a meaningful opportunity for release, and where they have never been afforded a *Miller* hearing.

In the alternative, this Court may find that *Boykin* announced a new rule because it required sentencing courts to consider youth as mitigating when imposing term-of-years sentences—not just when determining whether LWOP is the appropriate sentence. Prior to *Boykin*, sentencing courts may not have felt compelled to account for the mitigating circumstances of youth during a term-of-years sentencing proceeding. A sentencing court could have determined that, since MCL 769.25 and MCL 769.25a were designed to account for youth, no additional consideration of youth was required when imposing a penalty authorized by MCL 769.25(9) or MCL 769.25a(4)(c). *Boykin* held that the sentencing court must consider youth when selecting a term of years from the range provided in MCL 769.25(9) or MCL 769.25a(4)(c). This suggests that *Boykin* created a new rule.

If *Boykin* created a new rule, that new rule is substantive and applies retroactively. "Protection against disproportionate punishment" is a "substantive guarantee." *Montgomery*, 577 US at 206. *Boykin* applied *Miller* to term-of-years sentencing hearings. Like *Miller*—a substantive new rule that applies retroactively, *Montgomery*, 577 US at 206—*Boykin* makes youth matter at sentencing and secures the right to have one's youth mitigate against the harshest sentences. *Boykin* mirrors *Miller* and therefore, like *Miller*, is a substantive rule.

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" '[W]hen non-procedural or substantive rights of a fundamental nature are affected, they are normally to be accorded retrospective application. The *Linkletter-Hampton*[15] factors may be addressed, but only in the rare instance will they have determinative effect.' " *People v Poole*, __ Mich __, __ (2025) (Docket No. 166813); slip op at 5, quoting *People v Gay*, 407 Mich 681, 706 (1980). In other words, "the importance of the *Linkletter-Hampton* factors is greatly circumscribed when substantive rules or rights are implicated in a holding, and retrospective application is favored." *Poole*, __ Mich at __; slip op at 5.

In *Poole*, this Court held that *Parks* is a substantive rule and applies retroactively. Applying the *Linkletter-Hampton* factors, this Court found that the purpose of the *Parks* rule favored retroactive application where *Parks* requires courts to consider mitigation before imposing harsh sentences on youth; reliance interests favor retroactive application because reliance on pre-*Parks* caselaw harms people who are serving unconstitutional sentences; and that the effect on the administration of justice did not favor retroactive application because resentencing hearings require judicial resources and impact victims. *Id.* at __; slip op at 14-16. This Court concluded, "[O]n balance, application of the *Linkletter-Hampton* factors reaffirms our conclusion that *Parks* is entitled to retroactive application as a substantive rule under *Gay*, 407 Mich at 706." *Id.* at __; slip op at 17.

The *Linkletter-Hampton* analysis here is similar to the analysis in *Poole*. The purpose of *Boykin* is to protect against disproportionate punishment for youth. Where, as here, the purpose of the rule strongly supports retroactive application, the first prong controls. *People v Barnes*, 502 Mich 265, 273 (2018). This Court must apply *Boykin*

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[15] In *People v Hampton*, 384 Mich 669 (1971), this Court adopted the framework for retroactivity analysis that the United States Supreme Court applied in *Linkletter v Walker*, 381 US 618 (1965). The *Linkletter-Hampton* factors are "(1) the purpose of the new rule; (2) the general reliance on the old rule; and (3) the effect on the administration of justice." *Hampton*, 384 Mich at 674.

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retroactively to "assure the fair distribution of a fundamental right." *Id.* at __; slip op at 11 (quotation marks and citation omitted). The second and third *Linkletter-Hampton* factors have little significance here. They operate similarly to how they did in *Poole*—reliance interests favor retroactive application, while an interest in conserving judicial resources may favor prospective application. However, ensuring that sentences for youth are not excessively long conserves government resources by avoiding the costs of undue incarceration.[16]

James is entitled to relief, regardless of whether *Boykin* announced a new rule. See MCR 6.508(D)(2). Given the developments in youth sentencing, James's sentence is disproportionate, and any prior decision finding it proportionate is obsolete and non-controlling. James's sentence is longer than any term-of-years sentence he could have received if he had been convicted of the more serious offense of first-degree premeditated murder. MCL 769.25; MCL 769.25a; *Parks*, 510 Mich at 267. See *Stovall*, 510 Mich at 318 (that the Parole Board's authority over youth convicted of second-degree murder extends further than over same-aged youth convicted of first-degree murder is evidence of disproportionality).

James's sentencing guidelines range was 12 years to 25 years. A sentence within the guidelines would be presumptively proportionate. *People v Posey*, 512 Mich 317, 359 (2023). James's minimum term is 25 years longer than the top of the sentencing guidelines.

James's sentence does not account for his traumatic childhood, the effect of peer influence on his offense, or any other mitigating circumstances. The sentencing court discounted James's family and home environment, stating, "Many people who come from the same

[16] House Fiscal Agency, Budget Briefing: Corrections (December 2025), p 38, available at <www.house.mi.gov/HFA/PDF/Briefings/Corrections_BudgetBriefing_fy25-26.pdf> (accessed March 11, 2026) (in 2025, the State spent an average of $52,050 per person incarcerated in the MDOC).

environment of Mr. Eads, the majority of them have remained law abiding citizens." ST, 37.

James's sentence does not reflect the reality that reckless, impulsive teenagers like 16-year-old James are capable of significant change and a turn toward rational behavior that conforms to societal expectations, once their cognitive abilities reach full development. See *Parks*, 510 Mich at 251-252.

James's offense was unacceptable and tragic. Teenagers must be held accountable for crimes they commit. *Parks*, 510 Mich at 256. And their youth must be considered in fashioning a proportionate sentence. *Id*. The Court of Appeals correctly held that James's sentence is "disproportionate given the sentencing court's failure to consider [his] youth and its attendant characteristics as mitigating factors." *Eads*, __ Mich App at __; slip op at 1.

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Conclusion

The jury acquitted James Eads of first-degree premeditated murder and convicted him of the less serious offense of second-degree murder. Yet his sentence is longer than any term of years that could be imposed if he had been convicted under the premeditated theory. *Stovall*, 510 Mich at 316. Given this Court's ruling and rationale in *Stovall*, James's sentence violates Const 1963, art 1, § 16. *Stovall* readily resolves this case and requires resentencing. The Court of Appeals was also correct in holding that James's sentence violates Michigan's proportionality principle.

Because the Court of Appeals correctly applied the law and issued a well-reasoned, published opinion, this Court should vacate its order granting leave. In the alternative, this Court should issue an opinion that specifies who is entitled to relief: those serving a minimum term of 39 years or more, or a maximum sentence of 60 years or more, for an offense less serious than first-degree murder that occurred when they were under 21 years old.[17] See *Parks*, 510 Mich at 252, 266-267; *Taylor*, __ Mich at __; slip op at 37. Such a holding will provide clarity, promote uniform application of the law, and serve judicial economy. This Court should act now to make clear how its precedents fit together, and avoid unnecessarily prolonging proceedings for this group of youth, many of whom are advanced in age and have been serving unduly harsh sentences for decades.

[17] Amicus does not suggest that any sentence with a minimum under 40 years and a maximum under 60 years is presumptively constitutional or proportionate. Rather, sentences like James's are unconstitutional and per se disproportionate.

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Relief Requested

For the reasons stated above, Amicus Curiae Criminal Defense Attorneys Association of Michigan respectfully requests that this Honorable Court vacate its order granting leave or, in the alternative, hold that resentencing is required for those serving a minimum term of 39 years or more, or a maximum sentence of 60 years or more, for an offense less serious than first-degree murder that occurred when they were under 21 years old.

Respectfully submitted,

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