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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee, v RHISHY JAVON MANNING, Defendant-Appellant.	UNPUBLISHED July 16, 2026 1:23 PM No. 368199 Kent Circuit Court LC No. 22-006534-FC
PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee, v RHISHY JAVON MANNING, Defendant-Appellant.	No. 368200 Kent Circuit Court LC No. 22-006267-FC
PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee, v RHISHY JAVON MANNING, Defendant-Appellant.	No. 368201 Kent Circuit Court LC No. 22-006319-FC

Before: ACKERMAN, P.J., and REDFORD and FEENEY, JJ.

PER CURIAM.

Defendant, Rhishy Javon Manning, appeals as of right his convictions and sentences for the following offenses: In Docket No. 368199, armed robbery, MCL 750.529, conspiracy to commit armed robbery, MCL 750.157a and MCL 750.529, and possession of a firearm during the commission of a felony (felony-firearm), MCL 750.227b; in Docket No. 368200, first-degree felony murder, MCL 750.316(1)(b), conspiracy to commit armed robbery, and felony-firearm; and in Docket No. 368201, armed robbery, conspiracy to commit armed robbery, and felony-firearm. Defendant's convictions and sentences are affirmed.

I. FACTS AND PROCEEDINGS

The night of May 24, 2022, Manning and his codefendants, Javonte Edreece Rosa and Jaheim Hayes-Goree, began a crime spree in the greater Grand Rapids area. The spree continued into the morning of May 25, 2022. Officers from the Grand Rapids Police Department, the Kentwood Police Department, the Walker Police Department, the Wyoming Police Department, and the Kent County Sheriff's Office worked together to respond to reports of the criminal activity. Rosa, Manning, and Hayes-Goree began the spree in a stolen blue Chevrolet Equinox. The first crime event was an armed robbery at a Family Dollar store at 9:40 p.m. Rosa and Hayes-Goree entered the store with guns and stole money from the cash register. At 10:33 p.m., Hayes-Goree and Manning held Joseph Wilder at gunpoint while he was using the automated teller machine (ATM) at a Huntington Bank. Wilder was shot and killed. In the following hours, Manning, Rosa, and Hayes-Goree stole a white Audi sport utility vehicle, attempted a robbery outside a Radisson Hotel, attempted to break into a convenience store, and robbed a Speedway gas station attendant in Kentwood. These events were captured on the businesses' surveillance cameras. Flock traffic enforcement cameras recorded the movements of the Equinox and the Audi as they moved from crime scene to crime scene.

The spree ended when officers spotted the Audi and initiated a pursuit. The Audi fled but crashed near an apartment complex. Manning and Hayes-Goree ran from the crashed Audi but were pursued by a police drone and arrested. Law enforcement officers identified Rosa as the third perpetrator from text messages he exchanged with Manning on their iPhones. Rosa was arrested on May 26, 2022.

The perpetrators concealed their faces with face masks and the hoods of their sweatshirts, preventing witnesses from observing their faces. Their faces cannot be seen in any of the videos, but the prosecutor used their distinctive shoes and other clothing items to identify each of the perpetrators in the surveillance videos. Hayes-Goree wore a light-gray or light-colored hooded sweatshirt and white "Croc" shoes or sandals. Manning wore a dark-colored hooded sweatshirt and white athletic shoes with a blue stripe around the bottom. Rosa wore a light-gray or light-colored hooded sweatshirt and yellow and red shoes. Rosa also wore a blue and orange varsity jacket in some of the events of the spree. Manning was wearing his shoes when he was arrested. Hayes-Goree discarded his shoes while he was running from the Audi, but one was found along the path of his flight. Rosa's shoes and jacket were found at his home after he was arrested.

The prosecutor's case against defendants relied primarily on the surveillance videos and data from their smart phones. The prosecutor's evidence also included two firearms: a Glock semiautomatic handgun with a brown extended magazine found in the Audi, and a nine-millimeter Smith & Wesson semiautomatic handgun with a clear extended magazine found near Rosa when

he was arrested. The prosecutor offered expert testimony identifying bullets and spent casings as ammunition fired by these weapons. Law enforcement officers determined from Manning's and Rosa's cellular phones' location data that their phones were in the vicinity of the locations when and where the crimes were committed, and when and where the Flock cameras recorded the vehicles.

Manning was charged with armed robbery, conspiracy to commit armed robbery, and felony-firearm in the Family Dollar robbery and in the Speedway robbery. He was charged with felony murder, conspiracy to commit armed robbery, and felony-firearm in the ATM robbery and shooting. These cases were consolidated for trial, and consolidated with the cases against Rosa and Hayes-Goree. Manning and his codefendants were convicted of all charges against them.

II. SUFFICIENCY OF THE EVIDENCE

Manning argues that the evidence was not sufficient to support his convictions. "This Court reviews a challenge to the sufficiency of the evidence by examining the record evidence de novo in the light most favorable to the prosecution to determine whether a rational trier of fact could have found that the essential elements of the crime were proved beyond a reasonable doubt." *People v Clark*, 330 Mich App 392, 436; 948 NW2d 604 (2019) (quotation marks and citation omitted). "Circumstantial evidence and reasonable inferences arising therefrom may constitute proof of the elements of [a] crime, and it does not matter that the evidence gives rise to multiple inferences or that an inference gives rise to further inferences." *People v Walker*, 330 Mich App 378, 382; 948 NW2d 122 (2019) (quotation marks and citations omitted, alteration in original).

A. IDENTITY

Manning argues that the evidence was insufficient to prove his identity as a perpetrator in the homicide and robberies. "[I]t is well settled that identity is an element of every offense." *People v Yost*, 278 Mich App 341, 356; 749 NW2d 753 (2008). Accordingly, if the prosecutor failed to prove that Manning was one of the perpetrators of any crime, Manning's conviction of that crime(s) was not supported by sufficient evidence.

The prosecutor offered circumstantial evidence tracing Manning's travels and establishing his presence in the Equinox, and later the Audi, from before the Family Dollar robbery to the date and time up to and including his arrest. Manning agreed to pick up Rosa at 6:08 p.m. Manning's phone and Rosa's phone were in the vicinity of the Family Dollar store at the time of the robbery. Both phones also were in the location of the Huntington Bank ATM, the Audi theft, the Speedway robbery, the attempted Radisson robbery, and the attempted EZ Mart break-in. Rosa's and Manning's phones separated at 1:52 a.m., before officers found and pursued the Audi. Manning's phone was left in the Audi when Manning and Hayes-Goree fled. Working backward chronologically, the trier of fact could infer from this evidence that Manning was in possession of his phone and, accordingly, at the scene of various crime events, until he left it in the Audi, and that he and his phone were in the same locations as Rosa and Rosa's phone before they separated. Surveillance video supported the identification of Rosa, recognizable by his shoes and jackets, as a perpetrator in the Family Dollar robbery and the Speedway robbery, and Manning was identified by his dark sweatshirt at the ATM robbery. Surveillance video also displayed Manning, identified by his shoes, trying to break into the EZ Mart, and it displayed three people who were in the

Equinox just before Hayes-Goree stole the Audi and when the Audi was in the Radisson parking lot. A jury could reasonably infer from this evidence that Manning was with Rosa and Hayes-Goree in the Equinox, and later in the Audi, and therefore, that Manning was present and participated in the various crime events.

B. FELONY MURDER

Manning denies that the prosecutor proved the elements of felony murder and conspiracy. He argues that there was insufficient evidence to prove that he participated in the shooting of Wilder as either a principal or as an aider and abettor. He argues that if the prosecutor proved that he was present, mere presence does not prove criminal responsibility.

First-degree felony murder is defined as "[m]urder committed in the perpetration of, or attempt to perpetrate," one of the statutorily enumerated felonies, including robbery. MCL 750.316(1)(b). "The elements of first-degree felony murder are: (1) the killing of a human being, (2) with the intent to kill, to do great bodily harm, or to create a very high risk of death or great bodily harm with knowledge that death or great bodily harm was the probable result [i.e., malice], (3) while committing, attempting to commit, or assisting in the commission of any of the felonies specifically enumerated in" MCL 750.316(1)(b). *People v Smith*, 478 Mich 292, 318-319; 733 NW2d 351 (2007) (quotation marks omitted). "A jury may infer malice from evidence that the defendant intentionally set in motion a force likely to cause death or great bodily harm[,]" or "from the use of a deadly weapon." *People v Carines*, 460 Mich 750, 759; 597 NW2d 130 (1999). "[T]o sustain a felony murder conviction, the prosecution must prove that each defendant had the necessary malice to be convicted of murder." *People v Robinson*, 475 Mich 1, 14; 715 NW2d 44 (2006). "[O]ne who aids and abets a felony murder must have the requisite malice to be convicted of felony murder, but need not have the same malice as the principal." *Id*. "[A] defendant . . . is liable for that crime as well as the natural and probable consequences of that crime." *Id*. at 3.

To prove armed robbery, the prosecutor must prove these elements:

> (1) the defendant, in the course of committing a larceny of any money or other property that may be the subject of a larceny, used force or violence against any person who was present or assaulted or put the person in fear, and (2) the defendant, in the course of committing the larceny, either possessed a dangerous weapon, possessed an article used or fashioned in a manner to lead any person present to reasonably believe that the article was a dangerous weapon, or represented orally or otherwise that he or she was in possession of a dangerous weapon. [*People v Muhammad*, 326 Mich App 40, 61; 931 NW2d 20 (2018) (citation omitted).]

The prosecutor is not required to prove an actual taking of property to prove armed robbery or felony murder predicated on robbery. *People v Williams*, 491 Mich 164, 172-175; 814 NW2d 270 (2012).

Manning argues that there was insufficient evidence that the persons who shot Wilder were committing a robbery or attempting to commit a robbery. A reasonable juror could infer that armed persons, approaching an individual they did not know, who was using an ATM, late at night, with a gun pointed at him, did so with the intent of robbing him. The absence of evidence that

they took property from Wilder is irrelevant because an actual taking is not an element of armed robbery or felony murder predicated on armed robbery. *Williams*, 491 Mich at 172-175. Moreover, the absence of a taking was consistent with Angela Wilder's testimony that Wilder transferred money between accounts and not to withdraw cash. The evidence also supported an inference that the shooters had the requisite malice for felony murder. Use of a firearm serves as evidence that the shooters "intentionally set in motion a force likely to cause death or great bodily harm." *Carines*, 460 Mich at 759. Thus, all elements of felony murder were proved.

C. ARMED ROBBERY, CONSPIRACY, AND FELONY-FIREARM

Detective Paul VanRhee identified Manning by his sweatshirt as one of the perpetrators in the Kentwood Speedway video of the robbery. Manning was not seen in the Family Dollar surveillance videos, but there was sufficient evidence to prove his guilt as an aider and abettor. The prosecutor may prove an offense on an aiding and abetting theory with proof that "the charged offense was a natural and probable consequence of the commission of the intended offense." *Robinson*, 475 Mich at 15. " 'Aiding and abetting' describes all forms of assistance rendered to the perpetrator of a crime and comprehends all words or deeds that might support, encourage, or incite the commission of a crime." *Carines*, 460 Mich at 757 (quotation marks and citation omitted). "The quantum of aid or advice is immaterial as long as it had the effect of inducing the crime." *People v Lawton*, 196 Mich App 341, 352; 492 NW2d 810 (1992). An aider or abettor's state of mind may be inferred from all the facts and circumstances, including a close association between the defendant and the principal, and the defendant's participation in the planning or execution of the crime. *Carines*, 460 Mich at 757; *People v Bennett*, 290 Mich App 465, 474; 802 NW2d 627 (2010). If Manning did not act as a principal in the robbery, the jury could infer that he aided and abetted Rosa and Hayes-Goree by driving a getaway car, standing by ready to assist, acting as a lookout, or simply encouraging them.

Conspiracy is defined by MCL 750.157a, which states, "Any person who conspires together with 1 or more persons to commit an offense prohibited by law, or to commit a legal act in an illegal manner is guilty of the crime of conspiracy . . . ." "A criminal conspiracy is a partnership in criminal purposes, under which two or more individuals voluntarily agree to effectuate the commission of a criminal offense." *People v Jackson*, 292 Mich App 583, 588; 808 NW2d 541 (2011). "The individuals must specifically intend to combine to pursue the criminal objective, and the offense is complete upon the formation of the agreement." *Id*. "The intent, including knowledge of the intent, must be shared by the individuals." *Id*. "Thus, there must be proof showing that the parties specifically intended to further, promote, advance, or pursue an unlawful objective." *Id*. (quotation marks and citation omitted). "Direct proof of a conspiracy is not required; rather, proof may be derived from the circumstances, acts, and conduct of the parties." *Id*. (quotation marks and citation omitted). A reasonable trier of fact could infer that Manning, Hayes-Goree, and Rosa made plans to commit a series of robberies, choosing the soft targets of a retail store shortly before closing time, a gas station in the early morning hours, and a solitary ATM user. The conspiracy convictions were therefore supported by sufficient evidence.

The felony-firearm statute, MCL 750.227b(1), is applicable "whenever a person carries or has a firearm in his possession when committing or attempting to commit a felony." *People v Moore*, 470 Mich 56, 62; 679 NW2d 41 (2004). The Michigan Supreme Court has clarified that "[u]nder the aiding and abetting statute, MCL 767.39, the correct test for aiding and abetting

felony-firearm in Michigan is whether the defendant procures, counsels, aids, or abets in [another carrying or having possession of a firearm during the commission or attempted commission of a felony]." *Moore*, 470 Mich at 70. Here, there was evidence that Manning was present in the stolen Equinox immediately before the Family Dollar robbery and that he was one of the shooters in the ATM robbery that occurred less than an hour later. Tufflemire, who was working at Speedway, testified that both persons in the Speedway station had guns. While the surveillance videos and testimony regarding the Family Dollar robbery did not directly implicate Manning, circumstantial evidence, such as the location of his cell phone and surveillance camera video identifying him as a shooter at the ATM robbery, was more than sufficient to allow a reasonable juror to find that he, at least, aided in the Family Dollar robbery sufficient to support his conviction of felony-firearm. Manning's conviction of felony-firearm is affirmed.

III. CONSTITUTIONAL CHALLENGE TO MANDATORY LIFE IN PRISON FOR FELONY MURDER

Manning argues that his statutory mandatory sentence of LWOP for felony murder constitutes cruel or unusual punishment. "Whether a defendant's sentence constitutes cruel and/or unusual punishment under the Eighth Amendment of the United States Constitution or article 1, § 16 of the Michigan Constitution are questions of constitutional law that [this Court] review[s] de novo." *People v Stovall*, 510 Mich 301, 312; 987 NW2d 85 (2022). The review of a claim that a sentence is disproportionate requires an examination of whether the trial court abused its discretion by "violating the principle of proportionality." *People v Steanhouse*, 500 Mich 453, 471; 902 NW2d 327 (2017). The sentence is reviewed for reasonableness, to determine whether it is disproportionate to the "seriousness of the circumstances surrounding the offense and offender." *People v Posey*, 512 Mich 317, 325; 1 NW3d 101 (2023).

Manning's argument is rooted in our Supreme Court's decision in *People v Aaron*, 409 Mich 672; 299 NW2d 304 (1980). In *Aaron*, our Supreme Court contemplated the history of the felony-murder doctrine with respect to the requisite intent for the predicate felony and proof of malice. *Id*. at 698-708. The Court stated the felony-murder rule violated the "basic principle" that "criminal liability for causing a particular result is not justified in the absence of some culpable mental state in respect to that result." *Id*. at 708 (quotation marks and citation omitted). The Court explained:

> The most fundamental characteristic of the felony-murder rule violates this basic principle in that it punishes all homicides, committed in the perpetration or attempted perpetration of proscribed felonies whether intentional, unintentional or accidental, without the necessity of proving the relation between the homicide and the perpetrator's state of mind. This is most evident when a killing is done by one of a group of co-felons. The felony-murder rule completely ignores the concept of determination of guilt on the basis of individual misconduct. The felony-murder rule thus erodes the relation between criminal liability and moral culpability. [*Id*. (quotation marks and citation omitted).]

The traditional felony-murder doctrine permitted persons to be punished for first-degree murder notwithstanding that they were morally culpable of only the underlying felony. *Id*. Although "other murders carrying equal punishment" required proof of "premeditation, deliberation and

willfulness," felony murder required only "a showing of intent to do the underlying felony." *Id*. This could cause an inequitable result in which "an accidental killing occurring during the perpetration of a felony" would be punished more harshly "than a second-degree murder requiring intent to kill, intent to cause great bodily harm or wantonness and willfulness." *Id*. at 708-709. To rectify this disparity, the Supreme Court held in *Aaron*:

> [M]alice is the intention to kill, the intention to do great bodily harm, or the wanton and willful disregard of the likelihood that the natural tendency of defendant's behavior is to cause death or great bodily harm. We further hold that malice is an essential element of any murder, as that term is judicially defined, whether the murder occurs in the course of a felony or otherwise. The facts and circumstances involved in the perpetration of a felony may evidence an intent to kill, an intent to cause great bodily harm, or a wanton and willful disregard of the likelihood that the natural tendency of defendant's behavior is to cause death or great bodily harm; however, the conclusion must be left to the jury to infer from all the evidence. [*Id*. at 728-729.]

The Court summarized the practical effect resulting from its modification of the felony-murder elements:

> A jury can properly infer malice from evidence that a defendant intentionally set in motion a force likely to cause death or great bodily harm. Thus, whenever a killing occurs in the perpetration or attempted perpetration of an inherently dangerous felony . . . in order to establish malice the jury may consider the nature of the underlying felony and the circumstances surrounding its commission. If the jury concludes that malice existed, they can find murder and, if they determine that the murder occurred in the perpetration or attempted perpetration of one of the enumerated felonies, by statute the murder would become first-degree murder. [*Id*. at 729-730 (quotation marks and citations omitted).]

In sum, for a jury to find a defendant guilty of felony murder, it is not sufficient to find that the defendant had the requisite intent to commit the predicate felony; the jury must also find that the defendant possessed the requisite malice to commit murder.

Manning relies on the test that our Supreme Court established in *People v Lorentzen*, 387 Mich 167; 194 NW2d 827 (1972), for determining whether a sentence violates the prohibition against cruel or unusual punishment. First, the sentence must be proportionate to the severity of the offense. *Id*. at 176. The Court concluded that a mandatory minimum penalty of 20 years' imprisonment for a marijuana-trafficking offense was disproportionate because it was "equally applicable to a first offender high school student as it is to a wholesaling racketeer." *Id*. The Court compared the mandatory minimum to the sentences imposed for other types of sales of harmful substance, e.g., 10 years for placing harmful objects in food, and to the sentences for other crimes involving harm to persons, e.g., 15 years for manslaughter. *Id*. at 177. In these comparisons, the 20-year minimum for marijuana sales failed the proportionality test. *Id*. at 178.

The second part of the *Lorentzen* test examined whether the sentence was appropriate under "the evolving standards of decency that mark the progress of a maturing society." *Lorentzen*, 387

Mich at 179. The Court remarked that the "definition of cruel and unusual punishment" was "progressive," and that punishments formerly considered acceptable could later be deemed excessive "as public opinion becomes enlightened by a humane justice." *Id*. at 178-179 (quotation marks and citation omitted). The Court noted that the national trend favored reduction of long sentences for marijuana trafficking, and concluded that Michigan's mandatory sentence did not comport with this evolving standard. *Id*. at 179.

The third and final consideration under *Lorentzen*, 387 Mich at 178-180, was rehabilitation. The Court cited findings by penological experts that "the goal of rehabilitating offenders with maximum effectiveness can be best reached by short sentences of less than five years' imprisonment." *Id*. at 181. The Court acknowledged that exceptions should be made in cases involving "extremely serious crimes or unusually disturbed persons . . . ." *Id*. The Court concluded that the mandatory minimum sentence for marijuana trafficking was not conducive to the goal of rehabilitation. *Id*.

In *People v Hall*, 396 Mich 650, 657-658; 242 NW2d 377 (1976), overruled in part on other grounds by *People v Parks*, 510 Mich 225; 987 NW2d 161 (2022), our Supreme Court applied the *Lorentzen* analysis to the mandatory LWOP sentence for felony murder. The Court held that this mandatory sentence was not disproportionate and did not "shock the conscience." *Id*. at 658-659. The Court did not directly address the factor of evolving standards of decency, but remarked that the defendant "has not contended that Michigan's punishment for felony murder is widely divergent from any sister jurisdiction." *Id*. at 658. With respect to rehabilitation, the Court concluded that rehabilitation and release were "still possible, since defendant still has available to him a commutation of sentence by the Governor to a parolable offense or outright pardon." *Id*. The Court noted that the Legislature permissibly considered deterrence as a factor to balance against an offender's opportunity for rehabilitation. *Id*.

Hall, 396 Mich 650, is binding authority holding that mandatory LWOP for felony murder does not violate Michigan's constitutional prohibition against cruel or unusual punishment. "[O]nly the Supreme Court has the authority to overrule its own decisions." *People v Crockran*, 292 Mich App 253, 256; 808 NW2d 499 (2011). Manning cites our Supreme Court's decision in *Parks*, 510 Mich at 263-264, which noted that, as of 2022, 25 states and the District of Columbia did not legislatively mandate LWOP for first-degree murder, 6 states mandated LWOP for "equivalent first-degree murder when there are proven aggravated circumstances," and the federal government and 17 states other than Michigan "do still mandate life without parole for equivalent first-degree murder." The Court remarked that Michigan was "among the minority of states that legislatively mandate life without parole for *every* perpetrator of first-degree murder above the age of 17," but Michigan was not an "overwhelming . . . national outlier." *Id*. Mandatory LWOP is a lawful and proper sentence for a defendant convicted of felony murder under the facts and circumstances of this case.

Furthermore, *Aaron*, 409 Mich 672, directly addressed the potential inequity that defendant identifies, namely, that a defendant convicted of felony murder will be punished as a murderer for crimes less egregious than deliberate killing. Under *Aaron*, the prosecutor must prove that the defendant acted with "the intention to kill, the intention to do great bodily harm, or the wanton and willful disregard" of the likelihood that his conduct would cause death or great bodily harm. *Id*. at 728. If a defendant is charged with felony murder on an aiding and abetting theory, the

prosecutor must prove that "the charged offense was a natural and probable consequence of the commission of the intended offense." *Robinson*, 475 Mich at 15. Manning's concern that a mandatory LWOP could be imposed against an aider and abettor with no intent to kill or to risk killing, and no reason to anticipate that a killing might occur, is therefore misplaced.

In this case particularly, Manning and his codefendants engaged in a violent and intense crime spree while armed with deadly weapons which were discharged during multiple assaultive and theft-related settings. The malice evidenced by the proofs of record unquestionably, fully, and completely supports the jury verdict of guilty of felony murder.

IV. MANDATORY LIFE SENTENCE FOR YOUNG ADULT

Manning also argues that his mandatory sentence of LWOP constitutes cruel or unusual punishment because he was 22 years old when he killed Wilder. This Court rejected the same argument in *People v Abraham*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (Docket No. 364574); slip op at 6, concluding that the defendant's facial challenge to the constitutionality of a mandatory sentence of LWOP for felony murder, where the defendant was 22 years old at the time of the offense, "finds no support in case law." Manning is therefore not entitled to relief on this basis. His convictions and sentences are affirmed.[1]

/s/ Matthew S. Ackerman
/s/ James Robert Redford
/s/ Kathleen A. Feeney

[1] We note that defendant's presentence investigation report reflects Manning was on parole at the time of this offense, had seven prior felony convictions, as well as seven prior juvenile adjudications. It does not appear, based on a review of the entire record, that a sentence to LWOP for this defendant, convicted of felony murder, is either cruel or unusual.