# Order

**Michigan Supreme Court**
**Lansing, Michigan**

June 12, 2026

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

SC: 169060
COA: 366536
Van Buren CC: 2021-023355-FC

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

TIAH DESHON-JUANITA SUTTON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 31, 2025 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

HOOD, J. (*dissenting*).

With respect, I would grant oral argument on the application for leave to appeal to clarify the articulation requirement for within-guidelines sentences after *People v Posey*, 512 Mich 317 (2023). I would deny the application as it relates to the remaining issues.

I question whether the trial court's pronouncement of sentence actually complies with the requirements of *Posey*. Put differently, it is unclear whether the court adequately explained how the justifications it identified supported the specific sentence it imposed. On this record, I believe that defendant's burden under *Posey* to rebut the presumption of proportionality is, in practical terms, a burden to disprove a justification that does not exist in the record. See *Posey*, 512 Mich at 359 (opinion by BOLDEN, J.) (holding that "the defendant bears the burden of demonstrating that their within-guidelines sentence is unreasonable or disproportionate"); see also *id*. at 361 (CAVANAGH, J., concurring) and *id*. at 390-391 (WELCH, J., concurring). That is because the trial court's pronouncement lacks a rationale tethering the chosen sentence to the offense and the offender.

In his partial dissent below, Judge BORRELLO framed the issue concisely. He observed that the trial court "imposed a sentence that aligns with the sentencing guidelines

but failed to provide a rationale specifically addressing the proportionality of the sentence or the reasons for its relative merit compared to alternative sentences." *People v Sutton*, unpublished per curiam opinion of the Court of Appeals, issued July 31, 2025 (Docket No. 366536) (BORRELLO, J., concurring in part and dissenting in part), p 2. As a result, he concluded:

> In this matter, the trial court's omission of a clear justification of the proportionality of its sentence precludes comprehensive appellate analysis. Consequently, I would remand the matter for resentencing, with a requirement that the trial court provide a detailed explanation to facilitate an informed review of the sentence, irrespective of whether the trial court opts for the same or a different sentence. [*Id*.]

Judge BORRELLO's concern highlights a possible gap in our proportionality framework—specifically for within-guidelines sentences. This concern exposes an issue potentially left open by *Posey*. I would grant oral argument on the application to further explore this issue. Accordingly, I respectfully dissent from the Court's denial order.

I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 12, 2026

Clerk

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