Order

Michigan Supreme Court
Lansing, Michigan

July 2, 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: 169176 (59)(60)
COA: 370709
Wayne CC: 89-007735-FC

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

LEON ORLANDO ECHOLS,
Defendant-Appellee.

On order of the Court, the motion for immediate consideration is GRANTED. The motion to lift stay and amend bond is DENIED. The application for leave to appeal remains in abeyance for *People v Eads* (Docket No. 168205).

WELCH, J. (*dissenting*).

Defendant Leon Orlando Echols has served 36 years of a sentence that the Court of Appeals held was unconstitutional. The trial court determined that he was entitled to an appeal bond under MCL 770.9a, but it imposed a $250,000 cash bond. Defendant is indigent, and he cannot afford to post the $250,000 cash bond. Accordingly, despite the fact that defendant is eligible for an appeal bond, he remains behind bars.

Our court rules provide that "[b]ond must be sufficient to guarantee the appearance of the defendant." MCR 7.209(B)(2). I believe that the word "sufficient" acts as both a floor and a ceiling for bond orders. And in this case, the trial court did not explain how a $250,000 cash bond was "sufficient" to guarantee defendant's appearance at resentencing. In other words, despite finding defendant eligible for bond, the amount set was so high that defendant could not pay the bond. If a defendant cannot possibly pay the bond, I question how it can be "sufficient" to ensure his future appearance. For that reason, I would have vacated the trial court's order requiring a $250,000 cash bond and directed the trial court to set a new bond. Accordingly, I respectfully dissent from the Court's order denying defendant's motion to lift stay and amend bond.

I. BACKGROUND

In June 1989, approximately one month after he turned 18 years old, defendant fatally shot Flery Ivery following an altercation. Defendant's childhood had been fraught with violence and neglect. When he was just six years old, his mother's boyfriend murdered his little brother. When police officers arrived, they found defendant and his sister locked in a bedroom that was covered in dog feces. His mother was convicted of

child neglect, and defendant spent the next 12 years in various foster homes and institutions. During defendant's teenage years, his biological father was also arrested for murder. None of this justifies defendant's actions in 1989, but this context demonstrates that he had a traumatic upbringing.

The prosecutor charged defendant with first-degree murder, MCL 750.316, but the jury convicted him of the lesser included offense of second-degree murder, MCL 750.317.[1] Although the guidelines range was a minimum of 10 to 25 years' imprisonment, the trial court departed upward from the sentencing guidelines and sentenced defendant to a term of 75 to 150 years' imprisonment. Defendant's direct appeal failed, *People v Echols*, unpublished per curiam opinion of the Court of Appeals, issued February 6, 1992 (Docket Nos. 124510 and 124515), as did his first motion for relief from judgment, see *People v Echols*, 495 Mich 952, 952 (2014).

In prison, defendant has transformed himself. He has been raising and training puppies for Leader Dogs for the Blind, serving as a caretaker for medically frail prisoners, taking courses at Mott College, and voluntarily participating in both Narcotics Anonymous and Alcoholics Anonymous. He has a strong support system outside of prison including a longtime romantic partner, friends, and family. Defendant also presented record evidence indicating (1) that he presents clear indicators of rehabilitation and readiness for reintegration and (2) that although he accrued misconduct tickets in prison, his record is far better than the average prisoner.

In 2023, defendant filed his second motion for relief from judgment. Through that motion, defendant argued that in light of *Miller v Alabama*, 567 US 460 (2012), and its Michigan progeny, his term-of-years sentence for second-degree murder for an offense he committed when he was 18 years old was unconstitutional and disproportionate. The Court of Appeals agreed. Applying cases published after we denied defendant's first motion for relief from judgment, the Court of Appeals held that defendant's sentence was invalid under our Constitution and that defendant is entitled to resentencing. *People v Echols*, ___ Mich App ___ (September 24, 2025) (Docket No. 370709).

After the Court of Appeals issued its opinion, the prosecutor applied for leave to appeal in this Court. For that reason, our court rules automatically stayed defendant's resentencing until we resolve the prosecutor's appeal. See MCR 7.215(F)(1)(a). While the matter was stayed, defendant moved the trial court for bond pending appeal. After conducting three hearings on defendant's bond motion, the trial court determined that

---

[1] The jury also convicted defendant of possession of a firearm during the commission of a felony (felony-firearm), MCL 750.227b. For that conviction, the trial court sentenced defendant to two years' imprisonment to be served consecutively to his sentence for second-degree murder.

defendant met the requirements for bond pending appeal. See MCL 770.9a. The trial court therefore granted defendant's motion, ordering a "bond of $250,000, no 10 percent,[2] GPS tether, home confinement."

II. DISCUSSION

I agree with defendant that a $250,000 cash bond is excessive in light of defendant's indigency. We review the trial court's bond order for an abuse of discretion. See *People v Sefton*, 451 Mich 873 (1996); MCR 7.209(B)(2). "A trial court abuses its discretion when it 'makes a decision that falls outside the range of reasonable and principled outcomes or makes an error of law.' " *People v Robinson*, ___ Mich ___, ___ (February 4, 2026) (Docket No. 167595); slip op at 3-4, quoting *People v Christian*, 510 Mich 52, 75 (2022).

Because defendant committed an assaultive crime, his bond motion was governed by MCL 770.9a. MCL 770.9a provides in relevant part:

> (1) A defendant convicted of an assaultive crime and awaiting sentence shall be detained and shall not be admitted to bail unless the trial court finds by clear and convincing evidence that the defendant is not likely to pose a danger to other persons and that [MCL 770.9b] does not apply.
>
> (2) A defendant convicted of an assaultive crime and sentenced to a term of imprisonment who has filed an appeal or an application for leave to appeal shall be detained and shall not be admitted to bail unless the trial court or the court to which the appeal is taken finds by clear and convincing evidence that [MCL 770.9b] does not apply and that both of the following exist:
>
> (a) The defendant is not likely to pose a danger to other persons.
>
> (b) The appeal or application raises a substantial question of law or fact.

See also *People v Nevers*, 462 Mich 913, 913 (2000). And our court rules provide:

> In a criminal case the granting of bond pending appeal and the amount of it are within the discretion of the trial court, subject to applicable law and

---

[2] The "no 10 percent" stipulation refers to the practice of allowing criminal defendants to post a deposit of 10 percent of the total bond amount. See, e.g., MCL 765.6. The trial court's order therefore required defendant to provide $250,000 in cash to secure release pending appeal.

> rules. Bond *must be sufficient* to guarantee the appearance of the defendant. Unless bond pending appeal is allowed and a bond is filed with the trial court, a criminal judgment may be executed immediately, even though the time for taking an appeal has not elapsed. [MCR 7.209(B)(2) (emphasis added).]

Putting the court rule and the statute together, once a trial court determines that a defendant satisfies the conditions set forth in MCL 770.9a and is therefore entitled to an appeal bond, it "must" determine bond "sufficient" to guarantee defendant's appearance at future proceedings.

"Sufficient" means "enough to meet the needs of a situation or proposed end." *Merriam-Webster.com Dictionary*, sufficient <https://www.merriam-webster.com/dictionary/sufficient> (accessed June 23, 2026) [https://perma.cc/D64B-Q8SH]. Interpreting MCR 7.209(B)(2), I believe that "sufficient" acts as both a floor and a ceiling for trial courts setting bond. That is, bond *must* be *enough* to assure defendant's presence at future proceedings—no more and no less. And because bond orders are discretionary, MCR 7.209(B)(2), a trial court abuses its discretion when its calculation of what is enough to ensure a defendant's presence " 'falls outside the range of reasonable and principled outcomes[.]' " *Robinson*, ___ Mich at ___; slip op at 3-4, quoting *Christian*, 510 Mich at 75.

In this case, the trial court determined that defendant was entitled to an appeal bond under MCL 770.9a. Although it expressed concern over whether defendant satisfied MCL 770.9a(2)(a)—i.e., whether defendant was likely to pose a danger to other persons—it ultimately resolved the matter in defendant's favor. Having made that determination, the trial court was obligated to set bond *sufficient* to assure defendant's presence at resentencing. MCR 7.209(B)(2). But by setting bond at $250,000—an amount of money that defendant cannot provide—the trial court effectively denied defendant an appeal bond. In addition, the trial court did not explain how other options to assure defendant's presence at resentencing, such as the GPS tether and home confinement included in the bond order, were insufficient to ensure defendant's presence at future proceedings. The question here should have been whether defendant posed a safety or flight risk, not whether he has deep pockets.

Whatever reservations the trial court had about defendant's risk to others, it *granted* defendant's bond motion. In so doing, it necessarily concluded by clear and convincing evidence that "defendant is not likely to pose a danger to other persons." MCL 770.9a(2)(a). At that point, the trial court should have moved on to set a bond *sufficient* to assure defendant's presence at resentencing. See MCR 7.209(B)(2). At a minimum, the trial court should have explained why it found that defendant is entitled to bond under MCL 770.9a, but still decided to impose an unaffordable cash bond.

Furthermore, I question the amount of the bond order in light of defendant's apparent rehabilitation and the nonmonetary bond conditions the trial court included. The record evidence shows that he is likely ready for reintegration and presents a low risk for future criminal behaviors. Michigan Department of Corrections has trusted defendant to participate in the leader dog program and the college program, and it has trusted him to care for medically frail prisoners. Defendant has used his four decades in prison to better himself, and he seems to have a strong support system outside of prison to help him reintegrate into society. Because I would have vacated the trial court's bond order and directed the trial court to set a new bond, I respectfully dissent. I note, however, that the Court's denial order is without prejudice to any motion to amend that defendant might file in the Court of Appeals. See MCR 7.209(D).

THOMAS, J., joins the statement of WELCH, J.

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.

July 2, 2026

Clerk