Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V KENYA ALI HYATT

Docket No. 375710

LC No. 2013-032654-FC

Randy J. Wallace
Presiding Judge

Thomas C. Cameron

Daniel S. Korobkin
Judges

The Court on its own motion orders that the October 8, 2026 concurrence is hereby AMENDED. The concurrence is modified in Section II, footnote 3 with minor, non-substantive changes to correct a typo. The concurrence is amended as follows:

The old concurrence read: Sanders cited the 2012 Preliminary Quarterly Report, which was immediately superseded by the 2012 Final Report. Because the Preliminary Report was superseded, it is no longer available on the USSC's website or, apparently, on any other publicly available website. Accordingly, whatever that preliminary report may have contained, neither the 2012 Final Report nor could I find any such finding in any other USSC Final Reports.

The new concurrence reads: Sanders cited the 2012 Preliminary Quarterly Report, which was immediately superseded by the 2012 Final Report. Because the Preliminary Report was superseded, it is no longer available on the USSC's website or, apparently, on any other publicly available website. Accordingly, whatever that preliminary report may have contained, the 2012 Final Report did not have any such finding, nor could I find any such finding in any other USSC Final Reports.

In all other respects, the October 8, 2026 concurrence remains unchanged.

Presiding Judge

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

October 20, 2026
Date

Chief Clerk

If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.

STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED October 08, 2026 12:04 PM
v	No. 375710 Genesee Circuit Court
KENYA ALI HYATT, Defendant-Appellant.	LC No. 2013-032654-FC

Before: WALLACE, P.J., and CAMERON and KOROBKIN, JJ.

CAMERON, J. (*concurring*).

I agree with the majority's conclusion to affirm defendant's sentence of 30 to 70 years' imprisonment for first-degree felony murder. I disagree, however, with the majority's reliance on *People v Eads*, ___ Mich App ___; ___ NW3d ___ (2025) (Docket No. 357332), rev'd in part ___ Mich ___; ___ NW3d ___ (2026) (Docket No. 168205), for the propositions that: (1) a United States Sentencing Commission (USSC) report defines a life sentence as "a period of incarceration of 470 months (approximately 39 years) or more;" (2) a person in the general prison population has an approximate life expectancy of 64 years; and (3) that the 64-year figure probably overstates the life expectancy of minors serving lengthy prison terms. I write separately to address what I believe is a reoccurring misinterpretation and misapplication of the USSC report in our jurisprudence.

I. MISCONSTRUING 470 MONTHS AS A LIFE SENTENCE

By way of background, this Court began to go astray in *People v Wines*, 323 Mich App 343; 916 NW2d 855 (2018), rev'd in part 506 Mich 954 (2020). In *Wines*, this Court quoted *People v Sanders*, 2016 IL App (1st) 121732-b; 56 NE3d 563 (2016) verbatim for the unsupported proposition that: "The United States Sentencing Commission Preliminary Quarterly Data Report (through June 30, 2012) indicates that a person held in a general prison population has a life expectancy of about 64 years. This estimate probably overstates the average life expectancy for minors committed to prison for lengthy terms." *Wines*, 323 Mich App at 351 n 6, quoting *Sanders*, 2016 IL App (1st) at ¶ 26. But the 2012 USSC report says no such thing. *Sanders* misunderstood

what the 470-month figure represented, and *Wines*'s verbatim adoption of that misunderstanding has since been repeated in several published and unpublished opinions of this Court in recent years.

The problem begins with the 470-month figure itself. The USSC report did not actually define a life sentence as being 470 months. Rather, it used the 470-month figure as an assigned numerical value for sentences already designated as "life imprisonment" so that those sentences could be included in the report's sentence-length analysis. Nor does the figure represent a finding that a federal prisoner has a remaining life expectancy of 470 months after being incarcerated. Appendix A of the USSC report explains:

> In cases where the court imposes a sentence of life imprisonment, a numeric value is necessary to include these cases in any sentence length analysis. Accordingly, life sentences are reported as 470 months, a length consistent with the average life expectancy of federal criminal offenders given the average age of federal offenders. Also, sentences of greater than 470 months are also reported as 470 months for some analyses.[1]

Thus, the 470-month figure is a statistical proxy, not an actuarial projection of the life expectancy for federal prisoners. The USSC assigned a numerical value of 470 months to an otherwise nonnumerical life sentence so that life sentences could be included in the statistical calculations it was making. It is not an individualized determination that a defendant sentenced to 470 months—or any other defendant, for that matter—can reasonably be expected to live for only another 470 months.

Admittedly, statistics can be confusing and easily misunderstood.[2] But this Court does a disservice to our jurisprudence when it takes a statistical convention buried in a 14-year-old federal report, transforms it into a purported empirical finding about the length of a life sentence for federal prisoners, and then applies that conjured statistical figure to Michigan's prison population as a shorthand for resolving complex constitutional questions about what constitutes cruel or unusual punishment under the Michigan Constitution.

---

[1] United States Sentencing Commission, *Final Quarterly Data Report Fiscal Year 2012*, Appendix A, p 7, available at <https://www.ussc.gov/sites/default/files/pdf/research-and-publications/federal-sentencing-statistics/quarterly-sentencing-updates/USSC_2012_Quarter_Report_Final.pdf>.

[2] The USSC has used this 470-month figure in different statistical contexts over time, but none of these uses support the proposition that Michigan courts have attributed to it: that life sentences are defined at 470 months or more. Beginning with its 2018 Sourcebook, the USSC changed its methodology, describing 470 months as a cap applied to sentences for statistical purposes, rather than a proxy for identifying de facto life sentences. Although the USSC later used 470 months as the threshold for de facto life sentences in its 2022 study, it only did so for that particular study.

II. THE UNSUPPORTED 64-YEAR LIFE EXPECTANCY FIGURE

The same problem infects the oft-repeated assertion that a person in prison has a life expectancy of approximately 64 years. Contrary to this Court's recent opinions, the USSC has never found that the average life expectancy of a federal prisoner is approximately 64 years. Indeed, the USSC has never announced a finding about regarding the average life expectancy of a federal prisoner at all.[3] The only age-related figure that could conceivably be used to derive such a life-expectancy estimate is the 470-month figure that this Court has treated as representing the length of time a person serving a "life sentence" is expected to be incarcerated before dying in prison. But even accepting that premise, the USSC data does not support a 64-year life expectancy.

The average age of federal prisoners in 2012 was 36 years.[4] Adding 470 months (approximately 39 years) to that average age produces an age of approximately 75 years, not 64. Thus, even if we accept this Court's interpretation of the 470-month figure as the expected remaining incarceration period for a person serving a life sentence, the resulting calculation does not yield the 64-year life-expectancy figure that this Court repeatedly cites.[5]

Nor does the USSC's use of the 470-month figure establish that this represents a universal measure of a life sentence. The 470-month figure is tied to the federal prison population and the average age of that population. Nothing in this, or any other USSC report, supports treating 470 months as a measure of the life expectancy of prisoners generally, much less as a measure applicable to Michigan prisoners. The leap from a USSC federal statistical figure to the proposition that Michigan prisoners have a life expectancy of approximately 64 years is therefore unsupported by the cited source.

III. MISAPPLICATION TO YOUTHFUL OFFENDERS

The final erroneous proposition derived from *Sanders*, that the purported 64-year life expectancy "probably overstates the average life expectancy for minors committed to prison for lengthy terms[,]" *Sanders*, 2016 IL App (1st) at 121732-b, ¶ 26; see also, *Eads*, ___ Mich App at ___; slip op at 9; *Wines*, 323 Mich App at 351 n 6, is even more problematic. The USSC Final Report makes no such assertion, and *Sanders* provides no evidence to support this contention.

---

[3] *Sanders* cited the 2012 *Preliminary* Quarterly Report, which was immediately superseded by the 2012 Final Report. Because the Preliminary Report was superseded, it is no longer available on the USSC's website or, apparently, on any other publicly available website. Accordingly, whatever that preliminary report may have contained, neither the 2012 Final Report nor could I find any such finding in any other USSC Final Reports.

[4] United States Sentencing Commission, *2012 Annual Report*, Chapter 5, p 41, available at <https://www.ussc.gov/sites/default/files/pdf/research-and-publications/annual-reports-and-sourcebooks/2012/2012_Annual_Report_Chap5.pdf>.

[5] This disparity has only grown in recent years, as the average age of federal prisoners was 42 in 2025. United States Sentencing Commission, *QuickFacts: Individuals in the Federal Bureau of Prisons*, p 1, available at <https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/BOP_2026.pdf>.

Remarkably, this unsupported conclusion has been given full-throated support in our jurisprudence as though it was an express USSC conclusion. It is not.

There is, of course, an obvious reason why a figure derived from the federal offender population cannot simply be applied to youthful offenders like defendant. The 470-month figure was developed in the context of a federal prisoner population with an average age of 36 years. A youthful offender entering prison at 17 years of age belongs to a materially different demographic. The point is that, because the 470-month figure was derived from and based on a specific population's average age, it cannot be used as a meaningful measure for a youthful offender who enters prison decades younger.

The concern, therefore, is not that the 470-month figure has no legitimate use within the USSC's own statistical framework. The problem is that Michigan courts have attributed an empirical finding to the USSC report that it did not make, and then used that purported finding, together with a statistical convention designed for federal sentencing analysis, to inform the constitutional significance of a sentence imposed under Michigan law. There are simply too many differences between these two groups to justify treating the 470-month figure as a universal measure of a life sentence or the 64-year figure as an established life expectancy.

Our jurisprudence should not compound our mistaken premise in *Wines* by repeating it until it appears established. The USSC report tells us what its 470-month figure was designed to accomplish. It does not tell us that all life sentences average out at 470 months, that federal prisoners have a 64-year life expectancy, or that the 64-year figure overstates the life expectancy of youthful offenders. When constitutional rights are at stake, statistical convenience cannot substitute for evidence that actually supports the proposition for which it is offered. I therefore believe this Court should correct its mischaracterization of the USSC's statistics, even if doing so makes the constitutional inquiry more difficult.

/s/ Thomas C. Cameron