STATE OF MICHIGAN

IN THE SUPREME COURT

Appeal from the Michigan Court of Appeals
Christopher M. Murray, PJ., Stephen L. Borrello, Philip P. Mariani, JJ.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

-v-

JAMES GREGORY EADS,

Defendant-Appellee.

MSC No. 168205

CoA No. 357332

Lower Court No. 92-007359-01-FC

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**NATIONAL LIFERS OF AMERICA, CHAPTER 1008'S**

**AMICUS CURIAE BRIEF**

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## Statement of Questions Presented

I. Whether the Court of Appeals erred by holding that the defendant is entitled to relief under People v. Stovall, 510 Mich. 301 (2022)?

Plaintiff answers "Yes"

Mr. Eads answers "No"

Amici answers "No"

II. Whether the Court of Appeals erred by holding that the defendant is entitled to relief under People v. Boykin, 510 Mich. 171 (2022)?

Plaintiff answers "Yes"

Mr. Eads answers "No"

Amici answers "No"

## Statement of Jurisdiction

This Court has jurisdiction to accept and consider this brief in the above-captioned matter pursuant to MCR 7.312(H)(1). In its September 10, 2025 Order, this Court invited parties to file amicus curiae briefs. The National Lifers of America, Chapter 1008 has moved for leave to file this brief pursuant to MCR 7.312(H)(1).

## DISCLOSURE UNDER MCR 7.312(H)(5)

The National Lifers of America, Chapter 1008 authored this brief in its entirety. This brief was not funded by any of the parties in this case or any other organization.

## Statement of Facts

Amici incorporate by reference the Statement of Facts set forth in the Defendant's Supplemental Brief.

## Argument

**I. The Court of Appeals did not err in holding that Mr. Eads was entitled to relief under Stovall.**

**A. Mr. Eads's minimum and maximum sentences, that exceed those allowed under MCL 769.25 and 769.25a for juveniles convicted of first degree murder, and MCL 777.61 as applied to Mr. Eads, violates Const. 1963, art. 1, § 16.**

This Court held that "the textual difference between Michigan's prohibition on 'cruel or unusual punishment' and the Eighth Amendment's bar on cruel and unusual punishments,' the historical circumstances when the Eighth Amendment was ratified, and longstanding Michigan precedent called for a broader interpretation of Michigan's prohibition against 'cruel or unusual punishment'" than the Supreme Court's interpretation of the federal counterpart. People v. Stovall, 510 Mich. 301, 313-314 (2022). This broader interpretation affords greater protections under Const. 1963, art. 1, § 16. People v. Bullock, 440 Mich. 15 (1992).

In determining whether a sentence is cruel or unusual, this Court adopted a four-part test in People v. Lorentzen, 387 Mich. 167; 197 NW2d 827 (1972), later affirmed in Bullock, 440 Mich., at 33-34. "That test assesses (1) the severity of the sentence imposed compared to the gravity of the offense, (2) the penalty imposed for the offense compared to penalties on other offenders in Michigan, (3) the penalty imposed for the offense in Michigan compared to the penalty imposed for the same offense in other states, and (4) whether the penalty imposed advances the penological goal of rehabilitation." Stovall, supra, at 314 (citing Bullock, 440 Mich., at 33-34).

**First and Second Bullock Factors**

Applying the first and second Bullock factors, the Court of Appeals noted that a "50 to 75 years [sentence] for a juvenile convicted of second

degree murder is an unduly severe penalty when compared to the gravity of the offense and the penalty imposed on other offenders in Michigan." People v. Eads, 2025 Mich. App. LEXIS 415, at *18 (citing Stovall, supra, at 314-318). The court noted that "second degree murder is a grave offense," but "first-degree murder is almost certainly the gravest and most serious offense that an individual can commit under the laws of Michigan." Id. at *19 (citing Stovall, supra, at 315, 317).

The current sentencing scheme in Michigan allows for juveniles convicted of first degree murder and sentenced under MCL 769.25 or MCL 769.25a to receive the same minimum sentence, or a lesser sentence, despite being convicted of the more severe offense. Mr. Eads's maximum sentence of 75 years exceeds the maximum sentence required under MCL 769.25a, making his maximum sentence particularly disproportionate. The Court of Appeals described the legislative intent behind the minimum sentence range set forth in MCL 769.25 and MCL 769.25a.

In People v. Black, the Court of Appeals stated that the "Legislature created 'a 15 year range for juvenile offenders' minimum sentence [for first degree murder], ostensibly because not all juvenile offenders have the same capacity for reformation." People v. Black, 2023 Mich. App. LEXIS 3028, *8-*9 (internal citations omitted). The court stated that the "upper limit of the 15 year range for a minimum sentence" was reserved for "exceptional cases" leaving the 25 year low end for those with greater capacity for change. Black, supra, at *10. The Legislature could not have regarded a juvenile convicted of second degree murder as less capable of reformation than one convicted of the more severe offense. The severity of Mr. Eads's term of years sentence is further heightened by "its lack of procedural

safeguards, which are available for those convicted of first degree murder [under MCL 769.25 or 769.25a] but not to those of the less-serious offense of second degree murder." Eads, supra, at *21 (citing Stovall, supra).

Michigan's sentencing scheme for juvenile offenders convicted of second degree murder contravenes the "basic precept of justice that punishment for a crime should be graduated and proportioned to the offense." Solem v. Helm, 463 US 277, 287; 103 S Ct 3001; 77 L Ed 2d 637 (1983) (quoting Weems v. United States, 217 US 349, 367 (1910)). Graduate, as defined in relevant part in the Webster's New World College Dictionary, 5th ed, means to "4 a) to arrange or classify into grades according to amount, size, etc.; b) to arrange in grades or stages." This suggests that an increase is taking place, and in the context of proportionate sentencing, relative to the severity of the offense. The more severe the offense, the higher the penalty's "grade or stage." Graduation, as defined then, is foundational to the principle of proportionality.

The current sentencing scheme, set forth in MCL 777.61, allows for the most severe offense and its lesser included offense to be punished the same, a practice that is inconsistent with Michigan caselaw. "Michigan caselaw makes it clear that the purpose of our first-degree murder statute is to graduate punishment" and "[t]he statute does not undertake to define the crime of murder, but only to distinguish it into two degrees, for the purpose of graduating the punishment." People v. Aaron, 409 Mich. 672, 719 (1980). The U.S. Supreme Court in Solem held that "if more serious crimes are subject to the same penalty, or to less serious penalties, that is some indication that the punishment at issue may be excessive." Solem, 463 US, at 291.

For adult offenders without the procedural safeguards mentioned above, the graduation and proportion spoken of in Weems is apparent. If convicted of first degree murder, they must receive mandatory life without parole. MCL § 750.316. If convicted of second degree murder, they can receive any term of years (generally dictated by the legislative sentencing guidelines in MCL 777.61 that are determined by prior record variables, MCL 777.51 et seq. and offense variables, MCL 777.31 et seq.) or a parolable life sentence. MCL § 750.317. If convicted of manslaughter, they can receive a term of years, determined by the sentencing grid set forth in MCL 777.64 and PRV and OV scores, not to exceed 10 years (two-thirds of the statutory max as required by People v. Tanner, 387 Mich. 683; 199 NW2d 202 (1972)). MCL § 750.321. As the offense becomes more severe, the penalty graduates with the severity. For these reasons, the Court of Appeals did not err in holding that the first and second Bullock factors support finding Mr. Eads's 50 year minimum sentence and 75 year maximum sentence to be cruel or unusual. These factors also support finding MCL 777.61 cruel or unusual as applied to juveniles.

**Third Bullock Factor**

As for the third factor, the Eads court relied on the same reasoning from Stovall for finding his parolable life sentence unconstitutional. The court noted that the "'trend toward treating juveniles less harshly than adults and extending Miller beyond just the mandatory LWOP context' likewise supports treating juveniles sentenced to a 50-to-75 year term-of-years sentence for second-degree murder less harshly than similarly situated adults. Eads, supra, at *22-*23 (quoting Stovall, 510 Mich., at 318-319). The court noted that "none of the jurisdictions referenced in Stovall permitted a term-of-years sentence nearly as severe as Eads's. Id. at *23

(citing Stovall, supra, at 319-320). Other jurisdictions had "a maximum term-of-years sentence that was the same as or shorter than Eads's minimum of 50 years imprisonment." Id. at *23 (internal citations omitted).

A few states have held that sentences for lesser included offenses that are more severe than those for the greater offense is unusual punishment violative of their state constitutions. see People v. Doyle, 220 Cal. App. 4th 1251, 1268 (Cal. Court of Appeals, 3rd Appellate District, 2013) ("punishing a lesser included offense more severely than the greater offense is unusual punishment under the state constitution"); State v. Dayutis, 127 N.H. 101, 105 (N.H. Supreme Court 1985) ("if the penalty for the lesser offense is more severely than that for the greater offense, the penalty is unconstitutionally disproportionate [under part I, Article 18 of the New Hampshire Constitution and the 8th Amendment]"); and State v. Wheeler, 343 Ore. 652, 677 (Oregon Supreme Court 2007)( ("the proportionality provision [of Article 1, section 16, of the Oregon Constitution] bars the legislature from punishing a lesser included offense ...more severely than the greater inclusive offense"). For these reasons, the Court of Appeals did not err in holding that the third Bullock factor supported finding Mr. Eads's 50 year minimum sentence and 75 year maximum sentence to be cruel or unusual. This factor also supports finding MCL 777.61 cruel or unusual as applied to juveniles.

**Fourth Bullock Factor**

As the court held in Eads, much of what the court stated in regards to the first three Bullock factors leads to the conclusion that a [lengthy term-of-years sentence] for an juvenile convicted of second degree murder does not provide a 'meaningful opportunity to obtain release based on

demonstrated maturity and rehabilitation." Eads, supra, *23-*24 (quoting Stovall, supra, at 320). For a juvenile convicted of first degree murder, "'such a meaningful opportunity for release is generally available after 60 years,' the default statutory maximum for that offense." Eads, supra, at *24 (internal citations omitted). Mr. Eads's maximum sentence exceeds that by 15 years and "[i]t 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." Eads, supra, at *24 (internal citations omitted and alterations added). Furthermore, individuals with long indeterminate sentences like Mr. Eads are given lower priority for educational and rehabilitative programming in the Michigan Department of Corrections. Eads, supra, at *24-*25.

Additionally, our legislature, in enacting MCL 769.25 and 769.25a determined that when the prosecution has not carried the burden to present clear and convincing evidence that LWOP is not a disproportionate sentence and a term-of-years is set to be imposed, a minimum sentence of no less than 25 years or no more than 40 years, with "the upper limit of the 15 year range" reserved for "exceptional cases," Black, supra, at *10, advances the penological goal of rehabilitation for juveniles convicted of first degree murder. It follows logically that the goal of rehabilitation for the lesser offense is accomplished with a shorter sentence. Stovall, supra, at 321.

For all of the reasons set forth above, this Court should find that the Court of Appeals did not err in holding that Mr. Eads's minimum and maximum sentences are cruel or unusual, in violation of Const. 1963, art. 1, § 16. These reasons also support finding MCL 777.61 cruel or unusual as applied to

juveniles, in violation of Const. 1963, art. 1, § 16.

**B. A minimum sentence range of 9-16 years, and a maximum sentence of 40 years for juveniles convicted of second degree murder is a remedy that satisfies Const. 1963, art. 1, § 16.**

**The Constitutional Remedy**

Affording juvenile offenders convicted of second degree murder the sentencing procedure set forth in MCL 769.25 and 769.25a, whereby they would be eligible for the same term-of-years as one convicted of first degree murder would not satisfy Michigan's Constitution. Neither does the legislative sentencing guidelines for second degree murder set forth in MCL 777.61 which also could result in sentences in the 15 year range set forth in MCL 769.25 and 769.25a.

Mr. Eads proposes that this Court recommend to the legislature to adopt a minimum sentencing range, perhaps in a subrule within MCL 769.25 and 769.25a, of no less than 9 years and no more than 16 years for juvenile offenders convicted of second degree murder. The nine year gap between the 25 year floor of MCL 769.25 and 769.25a(4)(c) and the 16-year ceiling being proposed represents graduation. This is roughly a one third reduction from the bottom of the range for the greater offense, not unlike the graduation reflected in the sentencing range differences for adults convicted of first degree murder, second degree murder, and manslaughter, i.e., there are meaningful differences between the greater and lesser offenses. A maximum sentence of 40 years is suggested since it would also be a one third reduction from the maximum sentence allowed under MCL 769.25a(4)(c) for first degree murder.

The U.S. Supreme Court in Solem said that "[f]ew would dispute that a lesser offense should not be punished more severely than the greater offense." Solem, supra, at 293. Michigan is moving toward a more humane

justice system so it shouldn't be one of those few. If adults convicted of second degree murder may be eligible for minimum sentences less severe than the 50 year minimum and 75 year maximum sentences that Mr. Eads received, this means that the recognition of juveniles' constitutional difference from adults for the purpose of sentencing, is abandoned when less severe offenses are involved. This Court should propose this minimum sentencing range and maximum sentence to the legislature as a range and maximum sentence that reflects graduation and proportion sufficiently to satisfy Const. 1963, art. 1, § 16.

## II. The Court of Appeals did not err in holding that Mr. Eads was entitled to relief under Boykin as juveniles convicted of first degree murder are indistinguishable in material respects from juveniles convicted of second degree murder.

Following the decision in Miller, supra, where the United States Supreme Court held that it violated the Eighth Amendment of the U.S. Constitution to sentence juvenile offenders 17 years old or younger to mandatory life without parole, Michigan has begun to afford broader protections to juveniles. Most important were the decisions this Court made in People v. Stovall, 510 Mich. 301; 987 NW2d 85 (2022) and the Michigan Court of Appeals in People v. Eads, 2025 Mich. App. LEXIS 415.

In Stovall, this Court held that parolable life sentences for juveniles was cruel or unusual punishment under Const. 1963, art 1, § 16. In reaching this conclusion, the court noted that "'a parolable life sentence is the most severe penalty that can be imposed for second-degree murder,' that this penalty 'is particularly severe when imposed on a juvenile given the important mitigating ways that children are different from adults,' and that this severity is only further 'heightened by the fact' that juveniles convicted of second degree murder do not receive the same 'significant

procedural safeguard[s]' guaranteed to juveniles convicted of first-degree murder by MCL 769.25 and MCL 769.25a 'before being sentenced to die in prison." Eads, supra, (quoting Stovall, 510 Mich. at 314-316). The Stovall court looked to other jurisdictions citing their statutes and caselaw to emphasize "the national trend toward treating juveniles less harshly than adults and extending Miller beyond just the mandatory LWOP context." Stovall, supra, at 318-319. The Stovall court lastly found that parolable life sentences don't provide a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. Id. at 320.

Then, the Court of Appeals decided Eads. In Eads, the court held that a sentence of 50-75 years for second degree murder lacked proportionality because his youth was not considered as a mitigating factor during his sentencing. The court held that defendants convicted of second degree murder and sentenced to a term of years are "entitled to be sentenced in a manner that duly accounted for the individualized circumstances of the offender and offense," and those circumstances "include[d] mitigating considerations related to his youth." Eads, supra, at *27 (citing People v. Boykin, 510 Mich. 171, 192 (2022)).

In Boykin, this Court considered whether the defendant's 40-60 year sentence, imposed under MCL 769.25a, was invalid because his youth was not considered as a mitigating factor by the sentencing court as required by Miller. Eads, supra at *12 (citing Boykin, 510 Mich. at 179-180). This Court rejected the notion that Miller's principles were limited to the LWOP context and instead held that, 'when imposing a term-of-years sentence on a juvenile defendant...consideration of youth and its attendant circumstances is required by this state's sentencing jurisprudence." Id. (citing Boykin,

at 188). This Court concluded that sentencing courts consider the youth of defendants as a mitigating factor when sentencing them under MCL 769.25 and MCL 769.25a. Id.

The Court of Appeals in Eads, compared the parolable life sentence for juveniles that was held to be unconstitutional per se under Const. 1963, art. 1, § 16 in Stovall, supra, with Mr. Eads's 50-75 year sentence for second degree murder. Eads, supra, at *18-*25. In particular, the court mentioned how Mr. Eads's 50 year minimum made him eligible for release after the highest minimum sentence a juvenile offender could receive under MCL 769.25 or MCL 769.25a for first degree murder. Id. at *21-*22. As set forth supra in Argument I, other jurisdictions hold that sentences for the lesser included offense that exceed a sentence for the greater offense are unconstitutional per se under their state constitutions. Michigan's rapidly evolving jurisprudence has taken the principles of Miller beyond the LWOP context and extended them to the offense of second degree murder. see Stovall, supra. A recent Court of Appeals panel has extended these protections to non-homicide offenses for juvenile offenders. People v. Ferguson, 2025 Mich. App. LEXIS 6447, at *14 ("[I]f sentencing a young person to a minimum of 50 years is a disproportionate sentence for murder, then it follows it would be disproportionate for a non-homicide offense as well.").

The Court of Appeals' decision in this case was consistent with Michigan case law and our legislator's intent for first and second degree murder. In People v. Aaron, 409 Mich. 672, 719 (1980), this Court held that "the purpose of our first degree murder statute is to graduate punishment" and that murder was distinguished into two degrees for "the purpose of

graduating punishment. The Court of Appeals decision below simply restores that distinction between the degrees when sentencing juveniles. This Court held that "youth--a circumstance of the offender--matters at sentencing, our own caselaw requires that such a relevant offender characteristic must be considered at sentencing." Boykin, 510 Mich. at 188. The youth of a juvenile convicted of first degree murder is indistinguishable from the youth of a juvenile convicted of second degree murder. If juveniles convicted of first degree murder receive procedural protections before receiving their term-of-years sentence, one convicted of second degree murder must receive procedural protections before a term-of-years sentence is imposed, and the sentence should be substantially less than a possible first degree murder sentence to reflect the graduation spoken of in Aaron. Aaron, 409 Mich., at 719.

Because the hallmark characteristics of youth are not heightened or lessened relative to the severity of a crime, and these characteristics serve as the basis for procedural safeguards being provided, the degree of murder, or any classification of crime, should have no bearing on whether or not the safeguards are afforded. This Court should affirm the Court of Appeals' holding that Mr. Eads was entitled to relief under Boykin.

## Conclusion

Evolving standards of decency are leading to rapid changes in Const. 1963, art. 1, § 16's interpretation. This evolution has led to recognition of a constitutional difference between children and adults for the purpose of sentencing. The judicial and legislative branches of government have begun to realize what all parents have known for ages: youth are prone to make reckless, impulsive decisions with little to no regard for

consequences. With the help of neuroscientists serving as the harbingers for defense attorneys, our Supreme Court has given Michigan a much needed nudge in the direction of a more humane justice system.

A presumably unintended effect of these constitutional protections afforded to juvenile offenders that have committed the most severe offense in the state, is that juveniles convicted of the lesser included offense of second degree murder, have been forgotten. They have been left to rely on the wildly inconsistent exercises of discretion from circuit court judges, which can often lead to sentences that exceed the punishment for the state's most severe offense. The solution is simple and straightforward. Less severe sentences for the less severe offense. If adults enjoy graduation and proportionality in their punishment, so must juveniles. This Court should afford Mr. Eads protections that reflect graduation and proportionality in his sentences that satisfy the Michigan Constitution.

## Relief Requested

For the reasons set forth above, Amici asks this Court to affirm the Court of Appeals' holding that Mr. Eads was entitled to relief under both People v. Stovall, 510 Mich. 301 (2022) and People v. Boykin, 510 Mich. 171 (2022), and recommend that the Legislature enact a subsection, perhaps MCL 769.69b, providing a minimum sentencing range and maximum sentence for juveniles convicted of second degree murder that is meaningfully lesser than the 15 year range and maximum sentence set forth in MCL 769.25a.

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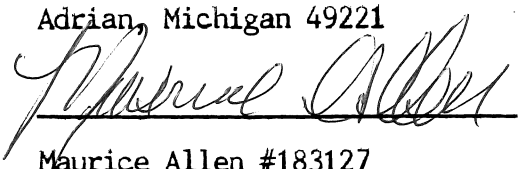

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Lower Court No. 92-007359-01-FC

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PROOF OF SERVICE

I, certify that on October 21, 2025, I mailed a copy of National Lifers of America, Chapter #1008's Amicus Curiae Brief to Amanda Smith, Wayne County Prosecutor's Office, Criminal Justice Center, 5301 Russell St., Ste. 4026, Detroit, Michigan 48211, and to Gabi Silver, Cripps & Silver, 1300 Broadway St., Ste. 500, Detroit, MI 48226, using MDOC's Expedited Legal Mail system.

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