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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED August 20, 2026 12:17 PM
v	No. 366966 Calhoun Circuit Court
JASON BENJAMIN SYMONDS, Defendant-Appellant.	LC No. 1994-003085-FC

AFTER REMAND

Before: RICK, P.J., and O'BRIEN and MALDONADO, JJ.

PER CURIAM.

This case returns to this Court following remand to the trial court. In defendant's original appeal, he contested the trial court's reimposition of his sentence of life without parole (LWOP) for his first-degree murder conviction for the rape and murder of a five-year-old child. This panel determined that the trial court made two errors of law in its analysis and accordingly vacated defendant's sentence and remanded "for the trial court to reevaluate its analysis under the proper framework." *People v Symonds*, unpublished per curiam opinion of the Court of Appeals, issued November 25, 2025 (Docket No. 366966), p 15. On remand, the trial court issued a written opinion in which it attempted to correct its legal error and comply with this Court's remand instructions by conducting its analysis under the proper framework.[1] Having reviewed the trial court's thoughtful and well-reasoned opinion, we affirm.

The facts underlying defendant's original sentence and the trial court's reasoning for reimposing LWOP were explained in this Court's previous opinion and will not be reiterated here. See *id*. at 1-5. On appeal, this Court rejected all of defendant's arguments insofar as he contended that the trial court committed any factual errors when resentencing defendant, but we agreed with defendant that the trial

[1] This Court did not specify how the trial court was to address this issue on remand, and the trial court's decision to handle the matter in a written opinion and order was an appropriate exercise of that court's discretion.

court committed two legal errors with respect to its analysis of the fifth *Miller*[2] factor, which considers the juvenile's possibility of rehabilitation. First, we concluded that the trial court erred by considering "defendant's failure to fully take responsibility for his actions" to be relevant to both the fifth *Miller* factor and an aggravating factor; we explained that this consideration "belong[s] in the fifth *Miller* factor," but the *Miller* factors cannot be aggravating, so the trial court erred by considering this to be an aggravating factor. *Id*. at 8-10. Second, we concluded that the trial court erred by considering "defendant's violent past as indicative of his inability to be rehabilitated," explaining that the relevant inquiry is the ability of an individual to be rehabilitated. *Id*. at 9.

On remand, the trial court issued a written opinion and order in which it corrected the deficiencies in its analysis but still concluded that a LWOP sentence was appropriate for defendant. The court reaffirmed its conclusion as to the first four *Miller* factors and focused on the fifth. In evaluating this factor, the trial court expressly stated that it was not considering "Defendant's other childhood violent behavior when evaluating rehabilitation." But the court reiterated its concern that "Defendant continues to minimize his actions during the commission of the murder" and concluded that, given this and other concerns, the fifth *Miller* factor was neutral. Turning to aggravating factors, the court concluded that they included defendant's ongoing "hostility toward women" and his "deviant sexual preferences and emotional identification with children." The court also found "the predatory, prolonged, and sexually violent nature of the offense" to be "highly aggravating." In light of these considerations, the court concluded that "the only proportionate sentence" for defendant was LWOP.

The case now returns to this Court for review.

Defendant first contends that this Court erred by not ordering a resentencing. We disagree. This panel was permitted to grant the relief that we did because our court rules grant this Court wide discretion to render "relief as the case may require." See MCR 7.216(A)(7). We exercised our discretion under this court rule to render the relief we deemed was required, and while defendant may have wished for a different remedy, we were not *required* to provide one.[3]

Next, defendant contends that the trial court "ignore[d]" evidence of defendant's rehabilitation, specifically the testimony of psychologist Matthew Mendel. The trial court clearly considered Mendel's testimony, however. The trial court discussed it both in its original opinion and in the opinion and order it issued on remand; the court merely disagreed with some of Mendel's conclusions. Contrary to defendant's argument, disagreeing with Mendel's opinion about defendant's potential for rehabilitation is not akin to ignoring the opinion, nor is it a basis for finding clear error.

Along the same lines, defendant contends that the trial court did not give sufficient weight to Mendel's testimony or the testimony of Pat Caruso. As this Court recently explained, "the amount of

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[2] *Miller v Alabama*, 567 US 460; 132 S Ct 2455; 183 L Ed 2d 407 (2012).

[3] To the extent that defendant makes cursory constitutional arguments as to why he was entitled to a "[f]ull resentencing," we note that (1) defendant does not identify any "inaccurate information" on which the court relied that could raise possible due-process concerns, (2) defendant has been represented by counsel at every stage of these proceedings such that he cannot plausibly claim that he was denied the right to be represented by counsel, and (3) defendant was permitted to file a supplemental brief after remand such that he cannot plausibly claim that his right to appeal has been infringed.

weight to afford a piece of evidence lies in the fact-finder's discretion." *People v Copeland*, 350 Mich App 577, 594; 34 NW3d 9 (2024). The trial court here was clearly aware of the testimony of Mendel and Caruso, and it was within the court's discretion to decide how much weight to afford that evidence. See *id*.

Defendant also contends that the trial court clearly erred by finding that defendant failed to take responsibility for his actions. For the reasons explained in our previous opinion, this was not clear error. See *Symonds*, unpub at 8-9. Likewise, to the extent that defendant argues that there was no evidence to support the trial court's findings about defendant's hostility towards women and his deviant sexual preferences, those findings were not clearly erroneous for the reasons previously explained. See *id*. at 10.

Defendant next contends that the trial court made an error of law by again considering defendant's failure to take responsibility for his actions as an aggravating factor. This is incorrect. When discussing aggravating factors, the court specifically recognized "that failure to accept responsibility cannot be used as an aggravating circumstance," then identified permissible aggravating factors. Later, when the trial court summarized its ruling, the court again noted "Defendant's ongoing untruthfulness and minimization of his conduct," but the court did so in the context of explaining why it was finding that the fifth *Miller* factor was neutral—the court stated that this evidence "undermine[d] evidence of rehabilitation." Defendant's contention that the trial court considered defendant's failure to take responsibility for his actions as an aggravating factor is not supported by the record.

Defendant further contends that the trial court made an error of law by considering defendant's conduct underlying his offense as an aggravating circumstance because the third *Miller* factor looks to the circumstances of the offense, and the *Miller* factors can only be mitigating or neutral. This argument misunderstands the third *Miller* factor. True, the third *Miller* factor looks to the " 'circumstances of the offense,' " but it considers things like " 'the extent of [the defendant's] participation in the conduct and the way familial and peer pressures may have affected [the defendant].' " *People v Taylor*, 510 Mich 112, 126; 987 NW2d 132 (2022), quoting *Miller v Alabama*, 567 US 460, 477-478; 132 S Ct 2455; 183 L Ed 2d 407 (2012). The conduct underlying the offense is clearly distinct from these considerations. The trial court here considered defendant's conduct underlying the offense as an aggravating factor, as it was permitted to do.

Defendant lastly contends that his resulting sentence was disproportionate because "the trial court relied on erroneous fact finding to rebut the presumption that a LWOP was proportionate and appropriate." We disagree with defendant that the trial court relied on any erroneous factual findings in support of its sentence, and we instead conclude that the trial court sufficiently explained why a LWOP sentence was proportionate given this defendant's background and the offense for which he was being sentenced.

Affirmed.

/s/ Michelle M. Rick
/s/ Colleen A. O'Brien
/s/ Allie Greenleaf Maldonado