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, v MICHAEL D. HARRIS, Defendant-Appellant.	UNPUBLISHED November 20, 2026 1:30 PM No. 365481 Ingham Circuit Court LC No. 83-052271-FH and 83-052279-FH

Before: M. J. KELLY, P.J., and RIORDAN and RICK, JJ.

PER CURIAM.

Defendant, Michael Harris, appeals by leave granted[1] the trial court order denying his successive motion for relief from judgment and resentencing under MCR 6.500, *et seq*. We affirm.

I. BASIC FACTS

In 1983, Harris was convicted of two counts of second-degree murder, MCL 750.317, in two separate cases. Harris, who was 18 years of age at the time of the murders, was sentenced to life imprisonment with the possibility of parole for each conviction. He has maintained his innocence and has filed several motions for relief from judgment. None of them have been successful. Following our Supreme Court's decisions in *People v Stovall*, 510 Mich 301; 987 NW2d 85 (2022), and *People v Parks*, 510 Mich 225; 987 NW2d 161 (2022), Harris has filed this successive motion for relief from judgment and resentencing, arguing that, under *Stovall* and *Parks*, his sentences were unconstitutional and so he is entitled to resentencing. The trial court denied the motion.

[1] This Court initially denied Harris's application for leave to appeal, *People v Harris*, unpublished order of the Court of Appeals, issued July 24, 2023 (Docket no 365481), but our Supreme Court remanded to this Court to hear the appeal as on leave granted, *People v Harris*, 22 NW3d 134 (2025).

II. SUCCESSIVE MOTION FOR RELIEF FROM JUDGMENT

A. STANDARD OF REVIEW

A trial court's ruling on a motion for relief from judgment is reviewed for an abuse of discretion. *People v Poole (On Remand)*, 349 Mich App 594, 609; 28 NW3d 769 (2024). An abuse of discretion occurs if the trial court's decision "falls outside the range of reasonable and principled outcomes" or if the court makes an error of law. *Id*. at 609-610. "We review de novo whether a defendant's sentence constitutes cruel or unusual punishment under the Michigan Constitution." *Stovall*, 510 Mich at 312.

B. ANALYSIS

Postappeal motions for relief from judgment in criminal cases are governed by MCR 6.500, *et seq.* In motions under MCR 6.500, the defendant has the burden of proving that he or she is entitled to the relief requested. As relevant here, the court may not grant relief if the motion:

> (2) alleges grounds for relief which were decided against the defendant in a prior appeal or proceeding under this subchapter, unless the defendant establishes that a retroactive change in the law has undermined the prior decision; for purposes of this provision, a court is not precluded from considering previously decided claims in the context of a new claim for relief, such as in determining whether new evidence would make a different result probable on retrial, or if the previously decided claims, when considered together with the new claim for relief, create a significant possibility of actual innocence. [MCR 6.508(D)(2).]

In general, "one and only one motion for relief from judgment may be filed with regard to a conviction." MCR 6.502(G)(1). However, a defendant may file a subsequent motion for relief for judgment when there is

> (a) a retroactive change in law that occurred after the first motion for relief from judgment was filed, [or]
>
> (b) a claim of new evidence that was not discovered before the first such motion was filed, or
>
> (c) a final court order vacating one or more of the defendant's convictions either described in the judgment from which the defendant is seeking relief or upon which the judgment was based. [MCR 6.502(G)(2).]

Because Harris has filed several motions for relief from judgment, his instant motion is a subsequent motion that must satisfy MCR 6.502(G)(2). He argues on appeal that the Supreme Court's recent decisions in *Stovall* and *Parks* has revealed that his discretionary sentence of life imprisonment with the possibility of parole was a cruel and unusual punishment in violation of the Michigan Constitution because he was only 18 years old at the time of the offenses that led to his convictions and sentences. That is, he contends that *Stovall* and *Parks* rendered his sentences for second-degree murder unconstitutional.

Our Supreme Court has held that the holding in *Parks* is retroactive, *People v Poole*, ___ Mich ___, ___; ___ NW3d ___ (April 1, 2025) (Docket No. 166813), slip op at 11, and that the holding in *Stovall* is also retroactive, *People v Eads*, ___ Mich ___, ___; ___ NW3d ___ (July 30, 2026) (Docket No. 168205), slip op at 34. Nevertheless, Harris is only entitled to relief if those retroactive changes to the law have undermined his sentences. See MCR 6.508(D)(2).

The Michigan Constitution prohibits cruel or unusual punishments. Const 1963, art 1, § 16. This Court has adopted a four-part test for reviewing courts to determine "whether a sentence is cruel or unusual:"

> [The] 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 imposed 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*, 510 Mich at 314.]

Our Supreme Court in *Stovall* held that a sentence of life imprisonment with the possibility of parole for a juvenile defendant who commits second-degree murder violates Const 1963, art 1, § 16. *Id*. at 322. In *Parks*, our Supreme Court held that

> mandatorily condemning 18-year-olds to die in prison, without consideration of the attributes of youth that 18-year-olds and juveniles share, no longer comports with the evolving standards of decency that mark the progress of a maturing society. [*Parks*, 510 Mich at 244 (quotation marks and citation omitted).]

Our Supreme Court in *Parks* specifically held that "mandatorily subjecting 18-year-old defendants convicted of first-degree murder to a sentence of life without parole violates the principle of proportionality derived from the Michigan Constitution." *Id*. at 268. In *People v Taylor*, ____ Mich ___, ____; ___ NW3d ___ (April 10, 2025); slip op at 13, the Court expanded the holdings in *Parks* to apply to 19 and 20-year-olds. And recently, in *Eads*, ___ Mich at ___, slip op at 34, the Court held that sentencing a juvenile to 50 to 75 years' imprisonment for second-degree murder was unconstitutionally excessive.

Harris maintains that this line of cases indicates that our Supreme Court intends to hold that life sentences with the possibility of parole for 18-year-old defendants, who were convicted of second-degree murder, are unconstitutional. We disagree.

This Court has recently held, in *People v Sykes*, ___ Mich App ___, ___; ___ NW3d ___ (June 17, 2026) (Docket No. 367133); slip op at 1-2, that a defendant's age and sentence, absent further development of the factual record or binding precedential support, were insufficient to support a finding that a sentence violated Const 1963, art 1, § 16. The *Sykes* Court considered whether a discretionary sentence of life imprisonment with the possibility of parole for a 20-year-old defendant was unconstitutional under the Michigan Constitution. *Sykes*, ___ Mich App at ___; slip op at 1-2. It held that there was no binding precedent that required relief under the Michigan Constitution because the defendant's case was factually distinguishable from the recent line of cases from our Supreme Court. *Id*. at ___; slip op at 3-4. The *Sykes* Court refused to "extend our

Supreme Court's precedent to give blanket relief under article 1, § 16, to any 20-year-old who, like [the] defendant, commits murder and receives a nonmandatory sentence of parolable life as a consequence." *Id*.

In this case, as established in *Sykes*, there is no binding precedent which compels relief for a youthful, but not juvenile, defendant sentenced to discretionary life imprisonment with the possibility of parole. *Stovall* and *Eads* both involved juvenile defendants, whereas Harris was 18 years old and, therefore, not a juvenile. Further, *Parks*, *Poole*, and *Taylor* all involved mandatory life sentences without the possibility of parole, whereas Harris's life sentences were discretionary *with* the possibility of parole. Unlike *Poole*, there is no factually similar binding precedent from our Supreme Court, which would support the trial court's decision to grant Harris relief. And, as in *Sykes*, there are insufficient facts in the record beyond Harris's age and the nature of his sentence upon which this Court could conclude that his sentence was unconstitutional. *Sykes*, ___ Mich App at ___; slip op at 5.

Accordingly, under the circumstances of this case, the trial court's decision to deny Harris's successive motion for relief from judgment was not an abuse of discretion.

Affirmed.

/s/ Michael J. Kelly
/s/ Michael J. Riordan