# Order

**Michigan Supreme Court**
**Lansing, Michigan**

October 23, 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: 164833
COA: 325132
Crawford CC: 13-003572-FH

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

JAMES RODNEY PERNA,
Defendant-Appellant.

By order of December 6, 2024, the application for leave to appeal the August 1, 2022 order of the Court of Appeals was held in abeyance pending the decisions in *People v Klinesmith* (Docket No. 164649) and *People v Ellis* (Docket No. 166766). On order of the Court, *Klinesmith* having been dismissed on December 19, 2025, ___ Mich ___ (2025), and *Ellis* having been decided on July 22, 2026, ___ Mich ___ (2026), the application is again considered. Pursuant to MCR 7.305(I)(1), in lieu of granting leave to appeal, we VACATE ¶ 2 of the August 1, 2022 order of the Court of Appeals, VACATE Part II of the November 24, 2014 opinion and order of the Crawford Circuit Court, and REMAND this case to the trial court for proceedings not inconsistent with this order. Defendant challenges the requirement that he register under the Sex Offenders Registration Act (SORA), MCL 28.721 *et seq*., where he committed a sexual offense in 1968 and was directed to register under the "recapture" provision of MCL 28.723(1)(e) for his commission of nonsexual offenses, breaking and entering contrary to MCL 750.110, in 2014. For the same reasons articulated in *Ellis*, defendant cannot be compelled to register based on the 2014 breaking and entering offenses, which would amount to cruel or unusual punishment under Const 1963, art 1, § 16. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.

t1019

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.

October 23, 2026

Clerk