Order

Michigan Supreme Court
Lansing, Michigan

November 13, 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: 169478
COA: 372753
Wayne CC: 19-008817-FC

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

DEVON KAREEM-BUCKINGH ROBINSON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the November 17, 2025 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

WELCH, J. (*concurring*).

I concur in the Court's denial order. I write separately to discuss how this appeal highlights questions that we left unanswered in *People v Boykin*, 510 Mich 171 (2022). *Boykin* held that "in all sentencing hearings conducted under MCL 769.25 or MCL 769.25a, trial courts are to consider the defendant's youth and must treat it as a mitigating factor." *Id*. at 189. But it also held that trial courts need not "articulate a basis on the record to explain how youth affected the sentence imposed." *Id*. at 193. This holding was based on the United States Supreme Court's opinion in *Jones v Mississippi*, 593 US 98 (2021). *Jones* held that sentencing courts in capital cases must consider a defendant's youth as a mitigating factor, but it determined that trial courts need not place such considerations on the record. *Id*. at 114.

In *Boykin*, Chief Justice MCCORMACK issued a concurring opinion questioning whether Michigan's Constitution might require an on-the-record explanation of how a trial court considers defendants' youth when imposing sentences under MCL 769.25 or MCL 769.25a. See *Boykin*, 510 Mich at 197 (MCCORMACK, C.J., concurring). She noted, however, that the *Boykin* Court left that issue "for another day." *Id*.

The defendant in this case, Devon Kareem-Buckingh Robinson, shot and killed three people when he was 18 years old. The jury convicted him of three counts of first-degree premeditated murder, two counts of assault with intent to commit murder, and five

counts of possession of a firearm during the commission of a felony. After the Court of Appeals ordered resentencing, the trial court sentenced defendant under MCL 769.25 to 35 to 60 years in prison for the murder convictions.

On appeal, defendant argues that the trial court ran afoul of *Boykin* because it treated defendant's youth as an aggravating factor, and because "[t]he brevity of the trial court's imposition of [defendant's] sentence leaves this Court guessing as to" how the trial court considered defendant's youth. The Court of Appeals held correctly that defendant's argument fails for two reasons. First, the trial court did not treat defendant's youth as an aggravating factor. Instead, it went out of its way to explain its belief that defendant did not exhibit the impulsiveness associated with youth when he committed the offenses. See *People v Parks*, 510 Mich 225, 235 (2022) (explaining that impulsivity is a mitigating characteristic of youth). Second, *Boykin*'s no-articulation standard means that the brevity of the trial court's discussion of defendant's youth does not constitute reversible error under current law. See *Boykin*, 510 Mich at 193-194.

But *Boykin*'s no-articulation standard is proving difficult for appellate courts to implement. Consider the case of *People v Abbatoy*. See *People v Abbatoy*, unpublished per curiam opinion of the Court of Appeals, issued August 18, 2022 (Docket No. 357766) (*Abbatoy I*); *People v Abbatoy*, unpublished per curiam opinion of the Court of Appeals, issued July 25, 2024 (Docket No. 364852) (*Abbatoy II*); *People v Abbatoy*, unpublished per curiam opinion of the Court of Appeals, issued January 20, 2026 (Docket No. 372908) (*Abbatoy III*). The jury in that case convicted defendant Mark Anthony Abbatoy of first-degree felony murder for a crime that he committed when he was 17 years old. *Abbatoy III*, unpub op at 1.

Applying *Boykin*'s requirement that trial courts consider a defendant's youth as a mitigating factor—and its prohibition against considering youth as an aggravating factor—the Court of Appeals has thus far vacated Abbatoy's sentence and ordered resentencing three times. *Id*. at 1-2. On two of those occasions, Court of Appeals judges have issued concurring opinions lamenting the practical difficulties that *Boykin*'s no-articulation standard has wrought on trial courts and Court of Appeals panels. In *Abbatoy I*, Judge BOONSTRA opined that it is "inherently impossible" for an appellate court to ensure that a trial court considers a juvenile offender's youth when *Boykin* instructs that trial courts need not put such considerations on the record. *Abbatoy I* (BOONSTRA, J., concurring), unpub op at 2. And in *Abbatoy II*, Judge FEENEY wrote that *Boykin* has provided trial courts with a "nearly impossible task of determining . . . how it should express on the record that it considered youth as a mitigating factor in sentencing hearings under MCL 769.25 or MCL 769.25a . . . ." *Abbatoy II* (FEENEY, J., concurring), unpub op at 1.

Abbatoy II and *Abbatoy III* also spurred dissents. As mentioned earlier, the panels in both appeals determined that the trial court failed to consider Abbatoy's youth as a mitigating factor. The dissents disagreed, arguing instead that the majority ran afoul of

Boykin's no-articulation standard. See *Abbatoy II*, unpub op at 1 (BOONSTRA, J., dissenting); *Abbatoy III*, unpub op at 1 (O'BRIEN, J., dissenting).[1]

For its part, the panel in this case indicated that it "share[s] similar concerns" to those expressed in Judge BOONSTRA's *Abbatoy I* concurrence. *People v Robinson*, unpublished per curiam opinion of the Court of Appeals, issued November 17, 2025 (Docket No. 372753), p 6. The panel worried, moreover, that "*Boykin*'s standard might counterintuitively incentivize trial courts to adopt a less-is-more approach—that is, to avoid articulating their sentencing reasoning or to minimize it to little more than an acknowledgment of the relevant case law governing sentencing, as was the case here." *Id*. And the panel lamented that such a practice "inhibits appellate review." *Id*.

As Chief Justice MCCORMACK's concurrence made clear, *Boykin* left for another day a decision on whether Article 1, § 16 of *Michigan's* Constitution requires trial courts to explain on the record how they considered defendants' youth when imposing sentences under MCL 769.25 or MCL 769.25a. Additionally, I question whether Article 1, § 20 of our Constitution—which guarantees that criminal defendants "have an appeal as a matter of right"—requires an on-the-record articulation of how a trial court considered a defendant's youth. And although *Boykin*'s no-articulation standard derives from the United States Supreme Court's decision in *Jones*, the *Jones* decision does not concern Michigan's Constitution. But because defendant did not raise these issues in this case, they are not properly before us. For that reason, I respectfully concur in the Court's denial order.

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[1] We denied leave to appeal in *Abbatoy III*. See *People v Abbatoy*, ___ Mich ___ (November 6, 2026) (Docket No. 169775). Justice BOLDEN dissented from our denial order. In her thoughtful statement, she highlighted "reasonable and recurring disagreements about how to interpret *Boykin*'s" no-articulation standard. *Abbatoy*, ___ Mich at ___ (BOLDEN, J., dissenting); slip order at 1. I did not join Justice BOLDEN's dissent, in large part because it concerned the proper application of *Boykin*'s no-articulation standard, rather than whether Michigan's Constitution requires an on-the-record articulation of how a trial court considered a defendant's youth when imposing a sentence under MCL 769.25 or MCL 769.25a. But Justice BOLDEN's statement adds to the growing chorus of jurists highlighting the practical difficulties associated with *Boykin*'s no-articulation standard.

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.

November 13, 2026

Clerk