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April 2025 Information Sheet on *People v Poole, People v Czarnecki, and People v Taylor*

The purpose of this document is to share information about the Michigan Supreme Court's April 1, 2025 decision in *People v Poole* (Docket No. 166813) and the Court's April 10, 2025 decisions in *People v Czarnecki* and *People v Taylor* (Docket Nos. 166428 and 166654). This letter is meant for educational purposes and is not legal advice. Information contained here may apply to people differently depending on a variety of circumstances. People should talk to and listen to their attorneys about next steps.

What was the holding of *Poole*?

In July 2022, the Michigan Supreme Court held in *People v Parks* that mandatory life without parole (LWOP) is an unconstitutional punishment for people who were 18 years old at the time of their offense, entitling them to resentencing as described in MCL 769.25. Mr. Parks's case was on direct appeal. The Michigan Supreme Court remanded the companion case *People v Poole* to the Michigan Court of Appeals to determine whether the *Parks* rule applies to people whose direct appeals were already over.

In January 2024, the Michigan Court of Appeals held that it did, and that all 18-year-olds sentenced to mandatory LWOP are entitled to resentencing. But resentencings were delayed while the prosecutor appealed the Court of Appeals decision.

In January 2025, the Michigan Supreme Court heard oral argument in Mr. Poole's case. On April 1, 2025, the Court held in a unanimous opinion that Mr. Poole, and others like him, are entitled to resentencing pursuant to MCL 769.25a.

What was the holding of *Czarnecki and Taylor*?

The Michigan Supreme Court held that mandatory life sentences for people who were 19 and 20 years old at the time of the offense are unconstitutional. The Court held that this decision is retroactive.

How many people are entitled to resentencing under *Poole*?

More than 250 people are entitled to resentencing under this decision. Approximately 64 have already been resentenced in situations where the prosecutors conceded the decision applied retroactively. SADO has coordinated with local public defender and assigned counsel offices to ensure that everyone who needs an attorney is appointed one. If you are unsure about whether you

have an attorney for your *Poole* resentencing, contact Tina Olson, Managing Attorney of SADO's Juvenile Lifer Unit: 200 N. Washington Sq., Suite 250, Capitol National Bank Building, Lansing, MI 48913 or 517-334-6069.

How many people are entitled to resentencing under *Czarnecki and Taylor*?

Approximately 582 people are entitled to resentencing under these decisions. SADO will send informational letters out to everyone affected by these decisions, and will help coordinate the appointment of counsel. Please be patient as we initiate this communication and process.

What does MCL 769.25a say and what kind of timing is involved?

MCL 769.25a lays out the procedure for resentencing:

1. If a prosecutor wants to seek LWOP again, the prosecutor has to file a motion seeking the reimposition of LWOP. The prosecution has at least 180 days and at most 291 days from April 1 and April 10, 2025, to decide whether they will file a motion seeking a renewed sentence of life without parole. If a prosecutor does file a motion seeking the reimposition of LWOP, the process of preparing for a *Miller* hearing will begin. Individuals should discuss this process with their attorneys.
2. If no motion is filed, the individual is entitled to resentencing to a term of years that can be anywhere from 25 to 40 years for the minimum and 60 years for the maximum, though prosecutors may push for higher maximums.

The Prosecutor's Office may seek reconsideration of the Michigan Supreme Court's decisions in *Poole*, *Czarnecki*, and *Taylor*. They have 21 days from the date of the opinions to file a motion for reconsideration, which could be the source of some resentencing delays.

Are LWOP sentences still possible for people 20 and under after these decisions?

Yes. The Court held that mandatory LWOP sentences are unconstitutional for these age groups and that if a sentencing court is considering LWOP, the court must first weigh several "*Miller*" factors such as: the family and home environment of the child, the child's age and the attributes of youth, the circumstances of the crime, the child's sophistication in interacting with the criminal legal system, and the child's potential for rehabilitation. In Michigan, there is a presumption that an LWOP sentence is disproportionate (illegal) and it is the prosecutor's burden to overcome that presumption to prove that an LWOP sentence is legally valid. The *Miller* factors can only be considered for their mitigating nature and cannot be considered aggravating. Under the law, it should be the very rare case where a person 20 and under receives an LWOP sentence.

What should I do while I await my *Poole*, *Czarnecki*, or *Taylor* resentencing?

Take care of yourself as best as possible. Remain safe, misconduct free, and involve yourself in any pro-active programming or projects you are able to engage in. Ask your lawyer to explain anything you do not understand or need clarification on. If you do not yet have a lawyer, you will receive information about that soon.