

Schuetten, Worthy Ask Michigan Supreme Court to Respect Crime Victims with Review of U.S. Supreme Court Ruling Addressing Life Sentences for Teenage Murderers

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Lansing - Michigan Attorney General Bill Schuette and Wayne County Prosecutor Kym Worthy have asked the Michigan Supreme Court to make a final determination about the impact of a recent U.S. Supreme Court ruling addressing the constitutionality of mandatory sentences of life without parole for convicted teenage murderers in the consolidated cases of *Miller v. Alabama* and *Jackson v. Hobbs*.

"Hauling hundreds of crime victims and their families back into court to relive these horrific murders would be a terrible tragedy," said Schuette. "Fortunately that scenario can be avoided by following established court precedent that says U.S. Supreme Court rulings addressing criminal justice processes are not retroactive. We are asking the Michigan Supreme Court to honor crime victims' rights and avoid re-victimization by forcing them to relive the crime at a resentencing hearing."

Wayne County Prosecutor Kym Worthy noted that the Supreme Court decision "affects more Wayne County families of murder victims than anywhere else in the State." "I urge a prompt determination of the reach of the Miller decision by the Michigan Supreme Court. This will help avoid further trauma to those who lost their loved ones, some many years ago, and rightfully thought that the criminal justice system had provided them some degree of closure."

According to the recent U.S. Supreme Court ruling in *Miller v. Alabama* and *Jackson v. Hobbs*, future sentencings for teenage murderers will require the trial judge to make a decision as to whether the life sentence is subject to parole. However, it remains unclear whether the ruling applies retroactively to teenage murderers who are already convicted and have exhausted their direct appeals.

Historically, states have been bound by the federal retroactivity standard established by the U.S. Supreme Court in *Teague v. Lane* in 1989. Commonly known as

"the Teague Rule," the precedent states that U.S. Supreme Court rulings are not retroactive for matters of judicial process.

Schuette and Worthy argue that *Miller v. Alabama* and *Jackson v. Hobbs* address procedural sentencing questions, not "watershed events" that would necessitate the reopening of hundreds of closed cases.

Schuette and Worthy have asked the Michigan Supreme Court to consider the retroactivity question by supporting the pending request for leave to appeal filed by Cortez Roland Davis, a Wayne county man appealing a sentencing of life without parole following his convictions of 1st degree murder, armed robbery, assault with intent to rob-armed, and felony-firearm, committed when he was 16 years old.

"If this ruling applies retroactively, it would inflict cruel and unusual punishment on thousands of innocent victim families," said Jody Robinson, Victim and co-founder of the National Organization of Victims of Juvenile Lifers. "Families would be subjected to undue re-traumatization, mental and physical harm caused by having to relive the most traumatic and horrific event in their lives."

"The issue of retroactive application of Miller and Hobbs was not decided by the United States Supreme Court," said Larry Burdick, President of the Prosecuting Attorneys Association of Michigan. "The case of People v Davis allows the most expeditious determination of this open question by the Michigan Supreme Court and prosecutors urge the Court to support Prosecutor Worthy and Attorney General Schuette's support for the application for leave."

"I strongly agree with Attorney General Schuette's and Prosecutor Worthy's legal analysis that *Miller v. Alabama* should not be applied retroactively to change Life without Parole sentences for juveniles found guilty of First Degree Murder in Michigan, said Mike Thomas, Saginaw County Prosecutor. "I support the request for legal clarification by the Michigan Supreme Court, because these victims were "sentenced" to death by the juvenile murderers, while the convicted murderers are permitted to live in prison at taxpayer expense for the rest of their lives."

Today Schuette filed a motion to intervene in support of Cortez Roland Davis' for leave to appeal with the Michigan Supreme Court in the case *People v Davis*, Michigan Supreme Court No. 144384. Worthy previously filed a response in support of the application on July 23, 2012. The parties now await a decision from the Michigan Supreme Court on whether it will hear the case.

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[ATTACHMENTS: [Attorney General Schuette's Motion to Intervene](#), [Answer to Application for Leave to Appeal filed by Wayne County Prosecutor Kym Worthy](#)