



CRIMINAL LAW

Michigan's High Court Is Charting a Course Against Punitive Excess

The court has perhaps never been friendlier to criminal justice reform.

By **Kathrina Szymborski Wolfkot** | Published: April 25, 2025

Michigan Washington Massachusetts

This month, the Michigan Supreme Court [announced](#) that mandatory life-without-parole sentences for people under the age of 21 violate the state constitution's ban on cruel or unusual punishment. The court also held, based on a separate recent [decision](#), that this rule applies retroactively. These decisions are the latest from a court that's been steadily carving out a path against excessive sentencing.

Under the federal Constitution, such sentences are illegal [only for people under 18](#). Laws that require a judge to condemn children to live the rest of their lives in prison,

the U.S. Supreme Court has [explained](#), are unconstitutional because kids' "transient rashness, proclivity for risk, and inability to assess consequences" make them less culpable, and because brain science shows "fundamental differences between juvenile and adult minds."

In extending those protections to young adults, the Michigan high court pointed to similar research showing that "19- and 20-year-olds are more similar to juveniles in neurological terms than they are to older adults." The court also noted that only in recent decades did life-in-prison sentences frequently come without the possibility of early release — reflecting a nationwide shift toward [punitive excess](#) that started in the 1970s. Until 1969, the court said, most people sentenced to life without parole in Michigan were released after less than 24 years because of good-behavior credits and other sentence-reduction mechanisms.

Michigan's supreme court is the third state high court to expand protections against mandatory life without parole to 20-year-olds. Washington's was [the first](#), in 2021. Last year, Massachusetts's went even further, [declaring](#) not only that mandatory life without parole sentences are unconstitutional for older adolescents — that is, sentences required by statute that leave no discretion to the judge — but that people under 21 cannot be sentenced to die in prison under any circumstances.

Michigan courts have protected youths from extreme prison terms in other ways too. In 2022's [People v. Stovall](#), the high court held that life in prison — even with the possibility of parole — was unconstitutional for children convicted of second-degree murder, which encompasses non-premeditated killings. Earlier this year, a Michigan appellate court held in [People v. Eads](#) that 50-year minimum sentences for kids are constitutionally equivalent to the life sentences struck down in *Stovall*.

While [Michigan courts](#) are undeniably [part of a trend](#) against excessive sentencing for youths, they stand out for the breadth of their recent expansions of the rights of people ensnared in the criminal justice system. Last summer, for example, the Michigan Supreme Court [held](#) that requiring someone without any sex-related convictions to register as a sex offender violated the state constitution. (It may seem obvious that sex offender registries should be reserved for people convicted of sex-

related crimes, but registries in most states include people whose crimes had no sexual component, like stalking or false imprisonment.)

More groundbreaking criminal justice cases are potentially still to come in Michigan. The supreme court heard oral arguments this month in a [case](#) about whether the state constitution offers greater protections than the U.S. Constitution against double jeopardy, a term for prosecuting the same person multiple times for the same crime. Last month, the court heard [arguments](#) over whether mandatory lifetime sex offender registration and electronic monitoring are unconstitutional. And it is [considering](#) a [challenge](#) to mandatory life-without-parole sentences for adults convicted of “[felony murder](#),” a charge sometimes brought if a death occurred while the defendant was allegedly committing a separate felony, even if there was no intent to kill.

Meanwhile, the court's composition may be the friendliest it's ever been to criminal justice reform. Kimberly Ann Thomas, who [founded](#) a juvenile justice clinic at the University of Michigan Law School and was [lead counsel](#) for the defendant in the felony murder challenge, [won a seat](#) on the court in last fall's election. And Chief Justice Elizabeth Clement, who has consistently dissented in cases extending protections against excessive sentencing, [left the court](#) this month.

This week, Gov. Gretchen Whitmer [announced](#) she would appoint state appellate judge Noah Hood to replace Clement. As a result, six of the seven justices will have been either endorsed by the Democratic party or appointed by a Democratic governor. Hood will serve the remainder of Clement's term, which runs through the end of 2026, and will thereafter have to run in a nonpartisan election for an additional eight-year term. Elections to the Michigan Supreme Court are considered [nonpartisan](#) because candidates do not have a party label next to their name on the ballot, but they can be nominated by political parties during their conventions.

With these recent changes, the Michigan high court will almost certainly maintain a leading role in the expansion of rights for individuals accused or convicted of crimes.

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