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FOR IMMEDIATE RELEASE

PAAM STATEMENT ON MONTGOMERY V. LOUISIANA

MICHAEL WENDLING, PAAM PRESIDENT
ST. CLAIR COUNTY PROSECUTING ATTORNEY

PAAM respects the United States Supreme Court decision in *Montgomery v. Louisiana* which will give juvenile offenders an opportunity for parole who had previously been sentenced to life without parole. As we awaited a ruling on the question of retroactive application from *Miller v. Alabama*, PAAM worked closely with the Michigan Legislature and other stakeholders in the criminal justice system to craft Public Act 22 of 2014 (MCL 769.25a). Public Act 22 of 2014 was proactively passed into law in order to have a mechanism set in place should the Supreme Court decide for retroactive review.

MCL 769.25a requires:

- Within 30 days after *Montgomery v. Louisiana*, the prosecuting attorney shall provide a list of names of all defendants who must be resentenced to the chief circuit judge.
- Within 180 days after *Montgomery v. Louisiana*, the prosecuting attorney shall file motions for resentencing for all cases in which the prosecuting attorney is requesting the court to impose a sentence of life without the possibility of parole.
 - If the prosecuting attorney does not file a motion, the court shall sentence the individual to a maximum term of imprisonment of 60 years and a minimum term of not less than 25 or more than 40 years.
- Resentencing hearings will be granted with first priority to those that have served 20 years or more in prison. Following those cases, the cases in which the prosecuting attorney has filed a motion requesting life imprisonment without parole will be resentenced next. Lastly, the remainder of the cases shall then be resentenced.
- Resentenced defendants shall be given credit for time already served, but will not receive good time, special good time, disciplinary or any other credits that reduce the minimum or maximum sentence.

The victims in these cases and the rights they are entitled to are still PAAM's first priority, and under a provision in this law, victims' voices are still to be heard at any resentencing hearing.

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