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## **Michigan Supreme Court to hear *People v. Langston*, a case with major implications for fairness, constitutional rights, and racial justice**

**LANSING, Mich.** — On December 10, the Michigan Supreme Court will hear oral arguments in *People of Michigan v. Edwin Lamar Langston*, a case that could reshape decades of Michigan felony-murder law and determine whether more than 100 aging incarcerated individuals, most of them Black, are entitled to resentencing or will die in prison under a legal standard the courts no longer recognize.

Langston, now 73, was convicted of felony murder in 1976 and sentenced to mandatory life without parole. His jury was never required to find he acted with malice, an element that the Michigan Supreme Court later held is constitutionally required for any murder conviction in its landmark 1980 decision *People v. Aaron*. But because *Aaron* was applied only prospectively, individuals like Langston, whose convictions predated the 1980 ruling, never benefited from its constitutional protections.

The Court will consider several questions, including:

1. Whether *Aaron* was wrongly limited to prospective application only;
2. Whether imposing mandatory life without parole without evidence of malice violates Michigan's ban on cruel or unusual punishment; and
3. Whether *People v. Hall* (1976)—which upheld mandatory life without parole—should be overruled.

The Criminal Defense Attorneys of Michigan (CDAM), which filed an amicus brief in the case, emphasized the extraordinary stakes for both fairness and racial justice. “The issues at play in *Langston* involve fairness, Michigan's constitution, and racial justice,” said Jessica Zimbelman, deputy director at the State Appellate Defender Office, representing CDAM as amicus. “At a minimum, every single person who may be entitled to relief under a decision in *Langston* has served 45 years in prison. Over 80% of them are Black. If the Supreme Court denies relief, over 100 people will die in prison, even though it is quite possible that they were never found guilty of murder beyond a reasonable doubt, due to improper jury instructions.”

Langston's case highlights an era in Michigan's felony-murder jurisprudence when prosecutors were not required to prove malice for a murder conviction, but only intent for the underlying felony, such as robbery. As a result, dozens of people were convicted of murder without any jury ever finding beyond a reasonable doubt that there was an intent to kill.

The Michigan Court of Appeals originally reversed Langston's conviction in the 1970s because of improper jury instructions on malice. But after *Aaron* was decided, the Supreme Court reinstated his conviction solely based on the prospective limitation of the *Aaron* rule.

Langston sought relief again in 2020, arguing that the prospective-only application of *Aaron* was unlawful and that imposing life without parole where no malice was found violates both due process and Michigan's constitutional ban on cruel or unusual punishment.

According to filings in the case, as many as 100 people across Michigan remain incarcerated under pre-1980 felony-murder convictions without appellate review of whether malice was proven under *Aaron*. All are now elderly, having served at least 40 years.

"Mr. Langston has spent 49 years in prison without a jury ever finding that he intended for anyone to be harmed," said Mira Edmonds, Clinical Professor of Law at the University of Michigan Law School and attorney for Edwin Langston. "No legal system committed to fairness should accept that outcome. The question before the Court is not only about constitutional doctrine, it is about whether we are willing to abandon people to die in prison under rules we no longer accept as just."

The Court's decision could realign Michigan with modern constitutional jurisprudence, including its own rulings on juvenile life without parole, in which the Court found certain mandatory lifetime sentences unconstitutional. For Langston and others like him, the hearing marks the first opportunity in nearly half a century for Michigan's highest court to confront the constitutionality of their convictions and life without parole sentences.

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