

***People v Langston*, __ Mich __ (2026) (Docket No. 163968)**
Informational Sheet

August 17, 2026

The contents of this document are educational only and not intended as legal advice.

What was *Langston* about?

Whether the rule announced in *People v Aaron*, 409 Mich 672 (1980), applies retroactively. The *Aaron* rule required that, to be found guilty of felony murder, the prosecutor must prove malice, which requires:

1. Intent to kill; or
2. Intent to do great bodily harm; or
3. To act with wanton and willful disregard that the natural tendency of the act is to cause death or great bodily harm.

Langston was also about whether life without parole (LWOP) is constitutional for people who were convicted of felony murder prior to the Court's opinion in *Aaron*.

What did the Court hold in *Langston*?

The Court did not answer whether *Aaron* should be applied retroactively and denied leave on that question, so it will not issue an opinion on that question.

The Court held that it was cruel or unusual punishment—contingent on two facts—to sentence someone to LWOP for a pre-*Aaron* felony murder conviction.

What are the two facts that make LWOP unconstitutional for a pre-*Aaron* felony murder conviction?

1. The convicted person has the burden to establish that the jury was not instructed on malice, as defined by *Aaron*.
2. If the jury was not instructed properly, the burden shifts to the prosecution to show beyond a reasonable doubt that the jury would have found the person acted with malice, as defined by *Aaron*, based on the evidence presented at trial.

How can a person show their jury was not properly instructed?

A person may need to file a Motion for Relief from Judgment under Michigan Court Rule 6.500 and support their argument with transcripts, prior appellate court opinions, affidavits from the person who was convicted, trial counsel, trial prosecutor, trial judge, or any other documentation that shows an improper instruction.

How will the prosecution meet their burden?

The prosecution may seek to use transcripts or trial exhibits. The *Langston* opinion states repeatedly that the prosecution will be limited to “the evidence presented at trial.”

Will any cases be resolved without going through the 6.500 process?

In certain cases, prosecutors may agree to a resentencing hearing based on the information about the case that is available to them.

What happens if the jury was not properly instructed on malice and the prosecution cannot show enough evidence of malice?

If a court makes a finding that the jury was not properly instructed on malice and that the prosecution has not met their burden to show evidence of malice, a person will be resentenced to life *with* parole and go through the parole process, including a public hearing. The SADO Commutation Manual, Chapter VIII, describes this process. Copies of the manual should be available at MDOC law libraries.

Will a person be appointed a lawyer if they qualify for *Langston* relief?

Because there will be proceedings happening in the trial court, people entitled to *Langston* relief should be provided counsel. It is too soon to tell which lawyers may be appointed.

What should I do right now?

- Save all documents from pretrial, trial, and any appeals, include habeas petitions and 6.500 motions.
- Write a letter to the Juvenile Justice Clinic at the University of Michigan Law School and explain why you may be entitled to relief and if you need a lawyer:

Mira Edmonds

Director, Juvenile Justice Clinic
Michigan Clinical Law Program
701 South State St.
Ann Arbor, MI 48109