

MICHIGAN SUPREME COURT

People v. Earl

495 Mich. 33 (2014) · No. 145677 · Decided March 26, 2014

SUMMARY

The Michigan Supreme Court held that retroactive application of an increased crime victim’s rights assessment did not violate the Ex Post Facto Clauses of the United States or Michigan Constitutions. The Court concluded that the assessment was a civil remedy rather than criminal punishment and was not so punitive in purpose or effect as to overcome the Legislature’s civil intent.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Michael F. Cavanagh; Robert P. Young, Jr.; Stephen J. Markman; Mary Beth Kelly; Brian K. Zahra; Bridget M. McCormack; David F. Viviano
JURISDICTION	Michigan
DECIDED	March 26, 2014
DOCKET	145677
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed the imposition of a \$130 crime victim's rights assessment at sentencing, arguing that retroactive application of the increased assessment violated the Ex Post Facto Clauses of the Michigan and United States Constitutions. The Michigan Court of Appeals affirmed, and the Michigan Supreme Court granted leave to appeal.
STANDARD OF REVIEW	Whether a statutory scheme is civil or criminal is a question of statutory construction, and statutory interpretation is reviewed de novo.
PRECEDENTIAL VALUE	published and binding Michigan Supreme Court decision
PARTIES	Ronald Lee Earl v. People of the State of Michigan

TOPICS

- ex post facto
- statutory interpretation
- sentencing
- constitutional law

PRACTICE AREAS

criminal law

constitutional law

statutory interpretation

sentencing

QUESTIONS PRESENTED

1. Whether retroactive application of the increased crime victim's rights assessment violated the Ex Post Facto Clauses of the United States and Michigan Constitutions.
2. Whether the crime victim's rights assessment is a criminal punishment or a civil remedy for purposes of ex post facto analysis.
3. If the assessment is civil, whether its purpose or effect is so punitive as to negate the Legislature's intent to deem it civil.

HOLDINGS

1. The crime victim's rights assessment is a civil remedy rather than a criminal punishment.
2. The assessment is not so punitive in purpose or effect as to negate the Legislature's intent to deem it civil.
3. Retroactive imposition of the \$130 crime victim's rights assessment did not violate the Ex Post Facto Clauses of the United States or Michigan Constitutions.

KEY QUOTATIONS

“Determining whether a law violates the Ex Post Facto Clause is a two-step inquiry.” (495 Mich. at 4)

“We conclude that an increase in the crime victim’s rights assessment does not violate the bar on ex post facto laws because the Legislature’s intent in enacting the assessment was civil in nature.” (495 Mich. at 15-16)

FACTUAL BACKGROUND

On March 18, 2010, Ronald Lee Earl robbed a bank in Southfield, Michigan. After his arrest six days later, heroin and crack cocaine were found on his person, and he was subsequently convicted of bank robbery and two counts of possession of less than 25 grams of a controlled substance. The applicable assessment increased from \$60 to \$130 effective December 16, 2010, and the trial court imposed the \$130 assessment when Earl was sentenced on February 15, 2011.

PROCEDURAL HISTORY

Earl was convicted in the Oakland Circuit Court of bank robbery and two counts of possession of less than 25 grams of a controlled substance. Although the assessment was \$60 when he committed the offenses, the trial court imposed the amended \$130 assessment at sentencing. The Court of Appeals affirmed, 297 Mich. App. 104 (2012), and the Michigan Supreme Court granted leave to appeal, 493 Mich. 945 (2013).

DISPOSITION

affirmed

CASES CITED

- People v. Earl, 297 Mich. App. 104, 114 (2012)
- Smith v. Doe, 538 U.S. 84 (2003)
- Herman v. Berrien County, 481 Mich. 352, 358 (2008)
- People v. Grant, 455 Mich. 221, 239-240 (1997)
- Calder v. Bull, 3 U.S. (3 Dall.) 386, 390 (1798)
- Hudson v. United States, 522 U.S. 93 (1997)
- Trop v. Dulles, 356 U.S. 86 (1958)
- People v. Cole, 491 Mich. 324, 327, 330, 334, 336-337 (2012)
- Kennedy v. Mendoza-Martinez, 372 U.S. 144, 168-169 (1963)
- Kansas v. Hendricks, 521 U.S. 346, 361-362 (1997)
- United States v. Ursery, 518 U.S. 267, 290 (1996)
- United States v. Prather, 205 F.3d 1265, 1272 (11th Cir. 2000)
- United States v. Labeille-Soto, 163 F.3d 93, 101-102 (2d Cir. 1998)
- United States v. Jones, 489 F.3d 243, 254 n.5 (6th Cir. 2007)
- People v. Sullivan, 6 A.D.3d 1175, 1175-1176 (N.Y. App. Div. 2004)
- Taylor v. State, 586 So. 2d 964, 965 (Ala. Crim. App. 1991)