

MICHIGAN COURT OF APPEALS

People of the State of Michigan v. Richard Frank Jackson

No. 372465 (Mich. Ct. App. Apr. 20, 2026) (unpublished) · No. No. 372465 · Decided April 20, 2026

SUMMARY

The Michigan Court of Appeals vacated Richard Frank Jackson’s sentence for third-degree criminal sexual conduct and remanded for further articulation of the reasons supporting the sentencing departure or for resentencing. The court held that the trial court generally provided adequate justification for departing from the advisory guidelines range but expressed concern that it may have improperly penalized Jackson for delaying acceptance of a plea and had not sufficiently explained the extent of the departure. The court retained jurisdiction and limited remand proceedings to those issues.

CASE DETAILS

COURT	Michigan Court of Appeals
WRITING FOR THE COURT	Colleen A. O’Brien; Colleen A. O’Brien, P.J.; Kathleen A. Feeney, J.; Randy J. Wallace, J.
JURISDICTION	Michigan Court of Appeals
DECIDED	April 20, 2026
DOCKET	No. 372465
DISPOSITION	vacated
PROCEDURAL POSTURE	Defendant pleaded guilty to one count of third-degree criminal sexual conduct and, after receiving an upward departure from the sentencing-guidelines range, appealed by leave granted, challenging the adequacy and reasonableness of the sentencing court’s justification.
STANDARD OF REVIEW	An upward departure from the minimum sentencing-guidelines range is reviewed for reasonableness, and reasonableness is reviewed for an abuse of discretion. An abuse of discretion occurs when the sentence violates the principle of proportionality.
PRECEDENTIAL VALUE	Unpublished and nonprecedential
PARTIES	Richard Frank Jackson v. People of the State of Michigan

TOPICS

- sentencing
- sentencing guidelines
- appellate procedure
- standard of review
- criminal procedure

PRACTICE AREAS

criminal law

sentencing

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court adequately justified its upward departure from the sentencing-guidelines range.
2. Whether the trial court improperly considered defendant's delay in accepting a plea agreement in imposing the departure sentence.
3. Whether the trial court adequately explained why the extent of the departure was more proportionate to the offense and offender than a lesser sentence.

HOLDINGS

1. The trial court adequately explained and justified departing from the advisory sentencing-guidelines range because it considered the seriousness of the offense, factors not adequately considered by the guidelines, and the nature of the plea bargain and dismissed charges.
2. A trial court may not use a defendant's delay in accepting a plea agreement as a reason for an upward departure because doing so may penalize the defendant for exercising the right to trial.
3. The trial court was required to further explain why the particular 10-year minimum sentence was more proportionate than a different sentence, especially because it represented a substantial departure from the guidelines and the maximum minimum sentence permissible under the two-thirds rule.

KEY QUOTATIONS

"The key inquiry is "whether the sentence is proportionate to the seriousness of the matter, not whether it departs from or adheres to the guidelines' recommended range." (at 3)

"Although trial courts may consider the offenses dismissed by a plea deal, Coulter, 205 Mich App at 456, they may not factor a defendant's delay in accepting a plea deal as a reason for a departure sentence." (at 4)

"This includes an explanation of why the sentence imposed is more proportionate to the offense and the offender than a different sentence would have been." (at 5)

FACTUAL BACKGROUND

The victim was the nine-year-old daughter of defendant's long-time girlfriend. Defendant forced the child to perform oral sex on him on multiple occasions and once performed oral sex on her while her mother and younger brother were asleep in the same room; he also threatened her with consequences if she disclosed the abuse. Defendant was initially charged with three counts of first-degree criminal sexual conduct but pleaded guilty to one count of third-degree criminal sexual conduct, with the remaining charges dismissed. The trial court departed from the 24-to-40-month guidelines range and imposed a 10-to-15-year sentence.

PROCEDURAL HISTORY

Defendant was charged with three counts of first-degree criminal sexual conduct and pleaded guilty to one count of third-degree criminal sexual conduct under a plea agreement that dismissed the remaining charges without a

sentencing agreement. The St. Joseph Circuit Court departed from the recommended minimum guidelines range of 24 to 40 months and imposed a sentence of 10 to 15 years' imprisonment. The Michigan Court of Appeals vacated the sentence and remanded for further articulation of the departure rationale or resentencing, retaining jurisdiction.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Remand is limited to requiring the trial court to further articulate its justifications for the extent of the departure sentence and to ensure that the sentence was not influenced by defendant's delay in accepting the plea agreement, or to resentence defendant. The Court of Appeals retained jurisdiction.

CASES CITED

- People v. Jackson, unpublished order of the Court of Appeals, entered November 6, 2024 (Docket No. 372465)
- Miranda v. Arizona, 384 U.S. 436; 86 S. Ct. 1602; 16 L. Ed. 2d 694 (1966)
- People v. Lockridge, 498 Mich. 358, 391-392; 870 N.W.2d 502 (2015)
- People v. Walden, 319 Mich. App. 344, 351-353; 901 N.W.2d 142 (2017)
- People v. Steanhouse, 500 Mich. 453, 459-460, 476; 902 N.W.2d 327 (2017)
- People v. Milbourn, 435 Mich. 630, 661; 461 N.W.2d 1 (1990)
- People v. Dixon-Bey, 321 Mich. App. 490, 524-527; 909 N.W.2d 458 (2017)
- People v. Coulter (After Remand), 205 Mich. App. 453, 456; 517 N.W.2d 827 (1994)
- People v. McGraw, 484 Mich. 120, 130 n. 30; 771 N.W.2d 655 (2009)
- People v. Bailey, 330 Mich. App. 41, 63-64; 944 N.W.2d 370 (2019)
- People v. Atkinson, 125 Mich. App. 516, 518; 336 N.W.2d 41 (1983)
- People v. Smith, 482 Mich. 292, 311; 754 N.W.2d 284 (2008)

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