

MICHIGAN SUPREME COURT

People of the State of Michigan v. Gary J. Shaver, Jr.

Docket No. 167736 (Mich. May 29, 2026) · No. 167736 · Decided May 29, 2026

SUMMARY

The Michigan Supreme Court held that its decision in *People v Betts* applies retroactively to defendants seeking collateral review. *Betts* established a new substantive rule prohibiting application of the 2011 Sex Offenders Registration Act to certain defendants whose registrable offenses predated the amendments, because the law constituted unconstitutional ex post facto punishment. The Court reversed the Court of Appeals and remanded the case to the trial court.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Megan K. Cavanagh, C.J.; Brian K. Zahra; Richard H. Bernstein; Elizabeth M. Welch; Kyra H. Bolden; Kimberly A. Thomas; Noah P. Hood
JURISDICTION	Michigan Supreme Court
DECIDED	May 29, 2026
DOCKET	167736
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant sought collateral relief from his 2015 conviction for failing to comply with Michigan's 2011 Sex Offenders Registration Act. The trial court granted relief under MCR Subchapter 6.500, the Court of Appeals reversed, and the Michigan Supreme Court granted defendant's application for leave to appeal.
STANDARD OF REVIEW	A grant or denial of a motion for relief from judgment is reviewed for an abuse of discretion; constitutional and statutory interpretation and the retroactivity of a court ruling are reviewed de novo.
PRECEDENTIAL VALUE	Published Michigan Supreme Court opinion; precedential.
PARTIES	Gary J. Shaver, Jr. v. People of the State of Michigan

TOPICS

- post-conviction relief
- state post-conviction relief
- ex post facto
- constitutional law
- statutory interpretation

PRACTICE AREAS

criminal procedure

constitutional law

post-conviction relief

sex-offender registration

QUESTIONS PRESENTED

1. Whether *People v. Betts* announced a new rule of law under the federal retroactivity standard.
2. Whether the rule announced in *Betts* was substantive or procedural for purposes of retroactive application on collateral review.
3. Whether *Betts* applies retroactively under both federal and Michigan constitutional law.

HOLDINGS

1. *Betts* announced a new rule because, when Shaver's conviction became final, a reasonable Michigan jurist would not have felt compelled by existing precedent to conclude that retroactive application of SORA violated the federal Constitution.
2. *Betts* announced a substantive rule under the federal retroactivity standard.
3. *Betts* applies retroactively to defendants on collateral review under both federal and Michigan constitutional law.

KEY QUOTATIONS

“Substantive rules, on the other hand, are those “forbid[ding] criminal punishment of certain primary conduct or prohibit[ing] a certain category of punishment for a class of defendants because of their status or offense.”” (slip op. at 14)

*“The *Betts* rule fits within *Teague*’s core exemption—finality concerns give way where a court ruling takes out of the hands of the government the authority to punish a group of people in a certain way.” (slip op. at 15)*

*“We hold that *Betts* applies retroactively to defendants on collateral review under both federal and state retroactivity standards.” (slip op. at 16)*

FACTUAL BACKGROUND

Shaver was sentenced as a juvenile in 2004 for three counts of third-degree criminal sexual conduct and was required to register under the version of SORA then in effect. In 2015, after updating his address in anticipation of a move, he was unable to move into the new residence, leaving his registered address incorrect for 19 days. He pleaded guilty to a second SORA-registration offense under the 2011 SORA and received a jail sentence, probation, and later a prison term for violating probation. After *Betts* invalidated retroactive application of the 2011 SORA, he sought to vacate his conviction.

PROCEDURAL HISTORY

Shaver pleaded guilty in 2015 to a second SORA-registration offense and was sentenced as a fourth-offense habitual offender. After *People v. Betts* held that the 2011 SORA constituted unconstitutional ex post facto punishment for persons whose registrable offenses predated the amendments, Shaver moved for relief from judgment. The Tuscola County Circuit Court vacated his conviction without first giving the prosecution time to

respond. The Court of Appeals reversed both on procedural grounds and on the retroactivity issue. The Michigan Supreme Court reversed the Court of Appeals regarding retroactivity and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the trial court for further proceedings consistent with the opinion. The Court did not retain jurisdiction.

CASES CITED

- People v. Betts, 507 Mich. 527, 573-574; 968 N.W.2d 497 (2021)
- People v. Johnson, 502 Mich. 541, 564-565; 918 N.W.2d 676 (2018)
- People v. Franklin, 500 Mich. 92, 100; 894 N.W.2d 561 (2017)
- People v. Fredell, 516 Mich. ____; 33 N.W.3d 320, 324 (2024)
- People v. Maxson, 482 Mich. 385, 387-389, 392; 759 N.W.2d 817 (2008)
- People v. Bullock, 440 Mich. 15, 27; 485 N.W.2d 866 (1992)
- Teague v. Lane, 489 U.S. 288, 307, 310-313; 109 S. Ct. 1060; 103 L. Ed. 2d 334 (1989)
- Edwards v. Vannoy, Edwards v. Vannoy, 593 U.S. 255, 264, 266, 271-272, 276; 141 S. Ct. 1547; 209 L. Ed. 2d 651 (2021)
- Schiro v. Summerlin, 542 U.S. 348, 352-353; 124 S. Ct. 2519; 159 L. Ed. 2d 442 (2004)
- Montgomery v. Louisiana, 577 U.S. 190, 206; 136 S. Ct. 718; 193 L. Ed. 2d 599 (2016)
- People v. Barnes, 502 Mich. 265, 268-269, 273-274; 917 N.W.2d 577 (2018)
- People v. Golba, 273 Mich. App. 603, 620; 729 N.W.2d 916 (2007)
- People v. Pennington, 240 Mich. App. 188, 193-197; 610 N.W.2d 608 (2000)
- People v. Shaver, ____ Mich. App. ____; ____ N.W.3d ____ (Sept. 5, 2024) (Docket No. 361488)
- People v. Cobbs, 443 Mich. 276; 505 N.W.2d 208 (1993)
- Kennedy v. Mendoza-Martinez, 372 U.S. 144, 168-169; 83 S. Ct. 554; 9 L. Ed. 2d 644 (1963)
- Smith v. Doe, 538 U.S. 84, 97; 123 S. Ct. 1140; 155 L. Ed. 2d 164 (2003)