

COUNTY OF BERRIEN  
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**Press Release**

**June 26, 2018**

Michael Johnson pled guilty to 2d Degree Murder and sentenced by Judge Julian Hughes to Life (parolable) in prison on September 22, 1980. The charge stemmed from Johnson, age 17 at the time, causing the death of Sue Ellen Machermer, age 16.

It should be noted that the Michigan Parole Board on several occasions over the last 38 years has refused to give Mr. Johnson a parole hearing, which is their prerogative. For an inmate serving a life sentence, a majority of the 10 member board has to agree to give such an inmate a parole hearing.

Over the years, the case has returned to the trial court level on a variety of issues, the last resulting in a decision by Judge John Donahue on a procedure known as a Motion for Relief from Judgment.

Judge Donahue decided that the original sentence was invalid because the United States Supreme Court decisions of *Miller vs. Alabama* and *Montgomery vs. Louisiana* involving juvenile life without parole sentences applies to Mr. Johnson's parolable life sentence. As a result, Judge Donahue has ordered Mr. Johnson be resentenced using the new criteria outlined by the *Miller* case.

This prosecutor's office argued against that analysis before Judge Donahue and filed a brief in the matter.

Many letters have been received suggesting it is time for Mr. Johnson to be released. It may be that time; however, it is not the position of the prosecutor to decide when it is time for someone to exit prison. The laws of the State of Michigan do not grant the prosecutor that discretion. At this juncture in Mr. Johnson's criminal justice path, the Parole Board and the Governor have that opportunity.

It is the opinion of this prosecutor's office that when a judge makes an error in the legal analysis of a case and that decision may affect other cases, the prosecutor has a responsibility to make sure the law is followed. It is Prosecutor Sepic's opinion that the decision to grant Mr. Johnson a resentencing hearing based upon the *Miller* case is flawed; thus, the prosecutor's office has filed an appeal of Judge Donahue's decision with the Michigan Court of Appeals. The reason this is important to other cases is that the natural extension of Judge Donahue's decision is that any 17 year old (an adult for criminal law purposes in Michigan) convicted of any crime would have to be sentenced using the *Miller* factors. That is not what the United States Supreme Court requires.

The decision to appeal does not reflect an opinion on a release decision.

The Michigan Court of Appeals is free to accept or reject hearing the appeal.