

A Moral Imperative

by Scott Dohn

A crucial distinction was made 40 years ago, in 1980, concerning the very life and death of hundreds of people who had been charged with First Degree Murder in this great state of Michigan.

The Michigan Supreme Court came to the rightful conclusion in the case of *People v Aaron*, 409 Mich 672 (1980), that in those cases where a person is charged with the crime of First Degree "felony" Murder, which was not really a criminal act in the state of Michigan at that time . . . the prosecution was still obligated to prove that the person so charged had actually committed a murder.

This ruling by the Michigan Supreme Court meant that neither the state's prosecutor nor its lower court judge's would be allowed to get away with simply showing that a death resulted from the commission (or attempted commission) of one of the first-degree murder statute's underlying felonies.

Up to this date in 1980, many of the state's prosecutor's and lower court's had been "lazy" in their pursuit of truth and justice, using the premise that a death had occurred during the commission of one of the underlying felonies listed within the first-degree murder statute as enough to prove it a "felony" murder. The *Aaron* Court ruled such an interpretation and application of the first-degree murder statute unconstitutional.

The bottom line reached by the Court was that individuals could no longer be tried and convicted of a murder that they did not commit, and thereby be sentenced to their death in prison for it. Michigan had no "felony-murder" doctrine or rule, and the crime of murder was still described within the common law, not by statute.

The Michigan Supreme Court, in making such an important distinction in what was necessary and required in order to find a person guilty of the most egregious and heinous crime under the laws of the great state of Michigan; a crime for which the penalty is most often death . . . failed, however, to ensure that all those who had been so harshly and unconstitutionally judged, and sentenced to their deaths prior to the *Aaron* decision, received any benefit

from their ruling.

They had failed to make their decision retroactive, and for the last 40 years many of these individuals have been forgotten . . . left to rot and die in prison for a crime that they did not actually commit.

By failing to apply their decision 40 years ago equally and fairly to those who had been abused by the misinterpretation and misapplication of the first-degree murder statute, the Michigan State Supreme Court has failed miserably in their most basic duty to the citizens of this great state, which is to ensure that all of Michigan's citizens are treated equally and fairly when they are charged with a criminal act under the laws of this state. The Court's decision not to apply their conclusions *in re Aaron* retroactively has resulted in a great miscarriage of justice for hundreds of citizens who were abused by the corrupt system of jurisprudence being practiced in only a few of the state's counties.

Most, but not all of those convicted of the crime of First Degree "felony" Murder before the Court's decision *in re Aaron* in 1980, deserve a review of their convictions, as they did not commit a murder under the common law of the great State of Michigan. Instead, they too were victims . . . victims of a serious lack of morals by lazy and vindictive lower court judges and county prosecutors.

Such a review of these 40 plus year old cases will, for those who have yet to die from the wrongful and immoral sentence of death they received, will finally receive the true justice that they deserve, for their personal culpability in the criminal act that they did commit . . . instead of the death sentence they were given by a system that had been hijacked by those who were blinded by a false sense of righteousness.

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