

Order

Michigan Supreme Court
Lansing, Michigan

June 6, 2025

Megan K. Cavanagh,
Chief Justice

167790 & (70)(72)

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 167790
COA: 362506
Berrien CC: 2021-003480-FH

ANTOINE WILLIE-LEZELL MYERS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 19, 2024 judgment of the Court of Appeals is considered. Pursuant to MCR 7.305(I)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals to allow the defendant to file a supplemental brief regarding whether, in light of *People v Lockridge*, 498 Mich 358 (2015), a court can double an individual's sentencing guidelines pursuant to MCL 333.7413(1). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court. The motion to remand is DENIED. The motion for peremptory relief or remand and to supplement application for leave to appeal is GRANTED, in part, to permit the defendant to file a supplemental brief in the Court of Appeals, and is DENIED in all other respects.

WELCH, J. (*concurring in part and dissenting in part*).

A jury convicted defendant Antoine Willie-Lezell Myers of a variety of drug and firearm offenses. During jury selection, the trial court denied defendant's request to dismiss a juror for cause. Defendant made that request after the juror informed the trial court that he was friends with one of the prosecution's witnesses. Because I believe that defendant raises important questions regarding juror bias, and because I believe that our caselaw on juror bias is underdeveloped, I would have heard arguments on this issue. Accordingly, I respectfully dissent from the Court's order insofar as it denies leave to appeal on the issue of juror bias.

I. BACKGROUND

Defendant based his for-cause challenge upon Juror 31's relationship with Detective Cory Peek. Peek was a prosecution witness who testified at trial regarding forensic

downloads that he performed on defendant’s cell phone. During jury selection, Juror 31 told the trial court that he was “friends with” Peek. Juror 31 explained that he was the pastor at Peek’s church, that he socialized with Peek at church, and that Peek served on the church’s volunteer security team. When asked about the nature of the friendship, Juror 31 emphasized that the two were “pretty good friends.” Although Juror 31 maintained that he could remain impartial, when the trial court asked whether he would give Peek more credibility than other witnesses, Juror 31 responded, “Well, I know him, but I can listen to evidence and—and not form an opinion based on just me knowing him.”

Defense counsel challenged Juror 31 for cause, arguing that the pastor-congregant relationship involves a level of intimacy, trust, and familiarity that is inappropriate for a juror to have with a witness. In response to that challenge, the trial court questioned Juror 31, who once again stated that he could remain impartial. The trial court denied defendant’s challenge, and the jury went on to convict defendant as described above. On appeal, the Court of Appeals rejected defendant’s arguments regarding Juror 31 and affirmed defendant’s convictions. *People v Myers*, unpublished per curiam opinion of the Court of Appeals, issued September 19, 2024 (Docket No. 362506).

II. DISCUSSION

Defendant argues that the trial court committed reversible error when it declined to dismiss Juror 31 for cause. Because defendant challenged Juror 31 for cause during jury selection, the issue is preserved for appellate review. See *People v Eccles*, 260 Mich App 379, 385 (2004). We review de novo legal questions related to jury selection. See *People v Fletcher*, 260 Mich App 531, 554 (2004). Similarly, we review de novo whether the trial court applied constitutional standards correctly. See *People v Clark*, 330 Mich App 392, 415 (2019).

A defendant has a constitutional right to be tried by an impartial jury. See *People v Miller*, 482 Mich 540, 547 (2008), citing US Const, Am VI, and Const 1963, art 1, § 20. A trial court should dismiss a prospective juror who “is biased for or against a party or attorney[.]” MCR 2.511(E)(2). See also MCR 6.412(A) (applying MCR 2.511 to criminal trials). A “trial court is without discretion to retain [a juror] who must be excused for cause” on the basis of bias. *Eccles*, 260 Mich App at 383.

Courts presume that jurors are impartial, and a defendant bears the burden to demonstrate “that the juror’s impartiality is in reasonable doubt.” *Miller*, 482 Mich at 550. The presumption of impartiality notwithstanding, this Court has provided scant guidance as to when a juror should be dismissed for bias under MCR 2.511(E)(2). The seminal case regarding juror bias appears to be *Miller*, but *Miller* considered whether a juror was biased because he was a convicted felon; it did not discuss relationships between jurors and witnesses. See *id.* at 552.

A survey of caselaw from other jurisdictions suggests that there is little uniformity on this issue. See, e.g., *People v Stanford*, 14 NYS3d 560, 564 (2015) (dismissal is required when a relationship between a juror and a witness is likely to preclude objectivity, even if the juror proclaims an ability to remain impartial); *Williams v State*, 891 NE2d 621, 629 (Ind App, 2008) (dismissal is not required when a juror discloses a casual relationship with a witness and asserts an ability to remain impartial); *Commonwealth v Golphin*, 161 A3d 1009, 1024 n 6; 2017 PA Super 137 (2017) (dismissal is required when a juror has a close enough relationship with a party that the trial court should presume the likelihood of prejudice); *United States v Rhodes*, 177 F3d 963, 965-966 (CA 11, 1999) (dismissal is not required when a juror demonstrates an ability to be objective despite a familial relationship with a witness). Regardless of the legal standards that other jurisdictions apply, I cannot find a case that considers a juror's relationship with a witness that is comparable to Juror 31's relationship with Peek. That is to say, I cannot find a case in which a juror has a relationship with a witness that resembles a "pretty good" friendship and a pastor-congregant relationship.

The Court of Appeals rejected defendant's arguments regarding Juror 31. In so doing, the panel relied upon Juror 31's statement that he could be impartial and the fact that Juror 31's interaction with Peek was limited to church. The panel also noted that there is no legal support for defendant's contention that a pastor-congregant relationship between a juror and a witness necessitates dismissal.

I question the Court of Appeals' analysis. First, in my view, the fact that Juror 31's interactions with Peek were limited to his time at church is not dispositive. Regular attendance (and in this case, volunteerism) at a house of worship can involve social interactions akin to those that occur outside of the walls of the building. And for many congregants, the relationship with a religious leader can be close, even if interactions occur only at the house of worship. In this case, the church was an important enough social setting to establish a "pretty good" friendship between Juror 31 and Peek.¹ Second, although the panel observed correctly that there is no caselaw supporting defendant's argument that a pastor-congregant relationship between a juror and a witness necessitates dismissal, there also appears to be no legal support in the opposite direction.

Because this Court has provided little guidance with respect to juror bias under MCR 2.511(E)(2) and defendant preserved the issue, I believe that this case would have been a good vehicle for us to provide trial courts with further guidance. Accordingly,

¹ One wonders, for example, whether the panel would have viewed the matter differently if Juror 31 and Peek met three times a month after work in a group setting.

although I concur in the Court's order in all other respects, I respectfully dissent from the Court's order declining to hear arguments regarding this jurisprudentially significant issue.

ZAHRA, J., would deny leave to appeal.

HOOD, J., did not participate.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 6, 2025

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk