

Order

Michigan Supreme Court
Lansing, Michigan

September 9, 2026

SC: 168200 & (69)
COA: 366923
Kent CC: 10-012837-FC, 10-012838-FC

Megan K. Cavanagh,
Chief Justice

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

EDDIE LEE SMITH,
Defendant-Appellant.

By order of March 27, 2026, the parties were directed to file supplemental briefs addressing whether, if the Court were to find an ex post facto violation in this case, the remedy for such a violation would be the same as the one employed in *People v Betts*, 507 Mich 527, 573-574 (2021). The motion to grant oral argument on the question is DENIED. The supplemental briefs having been received, the application for leave to appeal the January 22, 2025 judgment of the Court of Appeals is again considered. Pursuant to MCR 7.305(I)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals, VACATE the June 29, 2023 order of the Kent Circuit Court to the extent that it is inconsistent with this Court's opinion in *People v Kardasz*, ___ Mich ___ (December 19, 2025) (Docket No. 165008), and REMAND this case to the trial court for proceedings not inconsistent with this order. Defendant committed the crimes at issue in 1995 and 2010, but he is being required to register under the Sex Offenders Registration Act (SORA), MCL 28.721 *et seq.*, as amended by 2020 PA 295, effective March 24, 2021 (the 2021 SORA). The statutory requirements enacted after the commission of his crimes amount to punishment. *Kardasz*, ___ Mich at ___; slip op at 33. Requiring him to register under the 2021 SORA is therefore an ex post facto punishment, in violation of US Const, art I, § 10; Const 1963, art 1, § 10. For the same reasons articulated in *Betts*, 507 Mich at 567-574, with regard to the 2011 SORA, the 2021 SORA may not be retroactively applied to registrants whose criminal acts subjecting them to registration occurred before enactment of the 2011 SORA amendments, and severance or revival of prior versions of the SORA is not appropriate.

We do not retain jurisdiction.



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I, Elizabeth Kingston-Miller, 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.

September 9, 2026

Elizabeth Kingston-Miller
Clerk