



STATE OF MICHIGAN  
17TH CIRCUIT COURT

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SUITE 11500 D  
180 OTTAWA AVENUE NW  
GRAND RAPIDS MICHIGAN 49503-2751

OCT 07 2011

KENT COUNTY PROSECUTORS  
CRIMINAL DIVISION

DONALD A. JOHNSTON  
CHIEF JUDGE

October 6, 2011

Mr. Daniel H. Heyns, Director  
Michigan Department of Corrections  
Grandview Plaza Building  
P. O. Box 30003  
Lansing, MI 48909

RE: People v. Cedric King, Kent County Circuit Court No. 98-03922-FC

Dear Mr. Heyns:

Relative to the above-referenced case, I wrote the enclosed letter to your predecessor, Patricia L. Caruso, on August 20, 2008. Although I had no response from her, I assumed that she altered the Department's records to reflect that Mr. King's life sentence is parole eligible. However, I was contacted yesterday by John Barnes of *The Grand Rapids Press*, who advised me that Mr. King's records with the Department of Corrections still indicate that his sentence is life without possibility of parole.

I'm not sure how the Department got the idea that Mr. King's sentence was life without parole in the first place. The transcript of the November 28, 1998 sentencing hearing clearly indicates that the life sentence was parole eligible, and the Judgment of Sentence and Commitment to the Department of Corrections, dated the same day, indicates a sentence of "LIFE", *not* "LIFE WITHOUT PAROLE."

In any event, I believe the time has come to rectify the matter, once and for all, and your assistance in doing so will be appreciated.

Sincerely yours,

Donald A. Johnston  
Chief Judge  
CC: Court File, William Forsyth, Deborah Labelle, John Barnes

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August 20, 2008

Ms. Patricia L. Caruso, Director  
Michigan Department of Corrections  
Grandview Plaza Building  
P. O. Box 30003  
Lansing, MI 48909

RE: People v Cedric King, Kent County Circuit Court No. 98-03922-FC

Dear Ms. Caruso:

Kent County Prosecuting Attorney William Forsyth and ACLU attorney Deborah Labelle have asked me to write you regarding the above-referenced case.

On November 24, 1998, I sentenced the defendant to life imprisonment for conspiracy to commit murder, MCL 750.157a and MCL 750.316, and 10 to 50 years imprisonment for assault with intent to commit murder, MCL 750.83. Mr. Forsyth and Ms. Labelle advise me that under the conspiracy sentence, the Department of Corrections is treating the defendant as a person with a non-parolable life sentence.

Although it is the function of the Attorney General to provide legal advise to the Department of Corrections, I am constrained to point out that, pursuant to the Michigan Supreme Court ruling in *People v Jahner*, 433 Mich 490; 446 NW2d 151 (1989), Mr. King's conspiracy to commit murder sentence *is*, in fact, *parolable*. I therefore request that you take the necessary steps to adjust his status accordingly.

Sincerely yours,

Donald A. Johnston  
Circuit Judge

CC: William Forsyth, Deborah Labelle