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Savon Schmus pled guilty today to one count of murder in the first degree. Mr. Schmus was a juvenile at the time of the offense and given the decision of the United State Supreme Court in *Miller v Alabama* in 2012, we made the decision not to pursue the penalty of life without the possibility of parole in this case. He was instead offered a term of 30-40 years minimum if he pled to the first degree murder charge, and we would not seek the sentence of life without parole. The exact minimum term of years, somewhere between 30-40 years, will be selected by Judge Quist on the sentencing date of October 30.

In *Miller* the United States Supreme Court ruled that an *automatic* sentence for a juvenile murderer of life without parole was unconstitutional. It did allow for this possibility of this penalty, however in a follow up decision in *Montgomery v Louisiana* in 2016, the Court stated such a sentence should be reserved for, "the rare juvenile offender who exhibits such irretrievable depravity that rehabilitation is impossible and life without parole is justified". With this direction from the Supreme Court it was our decision that an attempt to seek a penalty of life without parole in this case would be unsuccessful. There is no question this was a particularly heinous crime; strangling his half-sister to death was completely unprovoked and without justification. This is not the sole determining factor.

The defendant has no past criminal history, there has never been an attempt at rehabilitation. There were no school violence issues upon examination of his records that this office requested. Simply stated, other than the horrible nature of the offense, there is no evidence that he demonstrated "irretrievable depravity that rehabilitation is impossible" to be able to get a sentence of life without parole under the law.

McKenna's mother and her relatives strenuously objected to any sort of offer. She and her family would have preferred to see him get the sentence of life without the possibility of parole. They were more than willing to fight for McKenna and her memory. However they understood the *Miller* decision, are extremely unhappy with that decision, but ultimately understood the reason we made this decision. The father of Mr. Schmus, who was also the father of McKenna, did not wish to see Mr. Schmus get a sentence of life without parole, and did request a term of year's sentence. He was hoping for a lower range than which was put forth.

This is an unspeakable tragedy for the entire family.

Chris Becker
Prosecuting Attorney