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# **Petitioner and *Amicus* Briefs Summaries**

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# Synopses of Petitioners' Briefs

*Sullivan v. Florida*

*Graham v. Florida*

Summaries

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# Joe Harris Sullivan v. State of Florida

## *Summary of Brief for Petitioner*

### **Summary**

The constitutional logic of *Roper v. Simmons* controls this case and requires the invalidation of a sentence of life imprisonment without parole imposed on a 13-year-old child. To be sure, *Roper* dealt with a death sentence, and death is different from lesser sentences in many ways that are relevant to Eighth Amendment analysis. But life without parole is also different from lesser sentences in important ways. And it is precisely in regard to those specific matters which were central to *Roper*'s Eighth Amendment reasoning that life without parole is most akin to death and most unlike sentences of imprisonment from which release is possible, either on parole or following a term of years.

*The* essential feature of a death sentence or a life-without-parole sentence is that it imposes a terminal, unchangeable, once-and-for-all judgment upon the whole life of a human being and declares that human being forever unfit to be a part of civil society. *Roper* understood and explained why such a judgment cannot rationally be passed on children below a certain age. They are unfinished products, human works-in-progress. They stand at a peculiarly vulnerable moment in their lives. Their potential for growth and change is enormous. Almost all of them will outgrow criminal behavior, and it is practically impossible to detect the few who will not. To date they are the products of an environment over which they had no real control – passengers through narrow pathways in a world they never made.

The age at which it becomes conceivable to pass a valid final judgment that a growing child deserves or requires lifelong incarceration as a criminal depends in part upon facts about adolescent neurological, psychological, and social development. It depends in part, also, upon the ways in which the law ordinarily regulates children's lives and recognizes their need for differing degrees of protection at different ages. When these developmental facts and legal regulations are examined through the sources and methods taught by *Roper*, it becomes clear that the entry of irrevocable judgment on a child of 13, condemning him or her to be imprisoned until death, is impermissible.

There is more than one age above 13 at which the precise constitutional line could be drawn. In drawing it, *Roper* instructs the Court to take account of the extent to which contemporary standards of decency, evidenced by objective indicia, accept or reject the use of life-without-parole sentences to punish the crimes of children of various ages. Whatever may be the case for older children, life imprisonment without parole sentences for children of 13 are so vanishingly rare as to make their repudiation by contemporary

American society unmistakable.

There are only nine individuals in this country serving life-without-parole sentences for crimes committed at age 13. Indeed, when crimes committed by 14-year-olds are added to those committed by 13-year-olds, the total number of individuals serving life-without-parole sentences rises to only 73. These numbers are all the more revealing when two circumstances are considered. The first is that, by their nature, life-without-parole sentences progressively accumulate. The numbers 9 and 73 are nationwide totals that are the end product of more than a quarter-century's accumulation. Second, during that period, huge numbers of 13- and 14-year-olds have been convicted of crimes for which a life-without-parole sentence could have been imposed but was not.

We will see that the eligibility of these persons for a life-without-parole sentence is not the result of legislative decisions that life in prison without parole is appropriate for children in this age range but rather results from the adventitious overlay of two legislative developments – legislation changing the boundaries of exclusive juvenile-court jurisdiction so as to make more children subject to adult-court prosecution; and legislation increasing the number of adult crimes punishable by life imprisonment without parole. The fact that, despite these developments, the total national accumulation of life-without-parole sentences for 13-year-olds has been only nine – and that even when 14-year-olds are added it has been only 73 – is as striking a demonstration as can be imagined of the country's radical repudiation of life without parole for children of this age. And this repudiation is world-wide. Outside of the United States, life-without-parole sentences for adolescents are virtually unknown.

### **Counsel of Record**

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# **Terrance Jamar Graham v. State of Florida**

## *Summary of Brief for Petitioner*

### **Summary**

In *Roper v. Simmons*, 543 U.S. 551 (2005), this Court held that the characteristics of juvenile offenders, in particular their diminished culpability and capacity for change, rendered the death penalty unconstitutional as applied to offenders who committed their offenses before the age of 18 years old, even though the death penalty is otherwise constitutional when applied to adult offenders. These same considerations require that a life-without-parole sentence imposed on a juvenile offender for a non-homicide is unconstitutional.

The Eighth Amendment prohibits grossly disproportionate sentences of imprisonment. Under its well-settled precedent, this Court considers the sentence's underlying penological purposes and legislative judgments; the harshness of the sentence compared to the gravity of the offense; and a comparison of the sentencing laws and practices of the States and the international community. No single factor is dispositive.

The argument that “death is different” does not alter this analysis or cabin *Roper* to capital cases. In both capital and non-capital cases, the Court also has examined the offender's characteristics to determine whether a sentence is grossly disproportionate. In *Rummel v. Estelle*, 445 U.S. 263, 276 (1980), and *Ewing v. California*, 538 U.S. 11 (2003), the Court explained that an otherwise grossly disproportionate sentence can nonetheless be constitutionally permissible under the Eighth Amendment if the offender is a recidivist.

Like the death penalty, a life-without-parole sentence rejects rehabilitation and is an irrevocable sentence with regard to the many years lost while incarcerated. And for a non-homicide, juvenile offense, life without parole is a severe punishment. Granted, the Court has cited “death is different” as a basis to mandate more stringent procedures for death-penalty sentencing, including an examination of the offender's potentially mitigating characteristics on a case-by-case basis. But those requirements are unrelated to the Court's proportionality analysis. Petitioner does not claim any constitutional right to a similar, individualized sentencing procedure. Indeed, *Roper* rejected the notion that a juvenile offender's future characteristics as an adult could be accurately determined on a contemporaneous, individualized basis at sentencing.

A. Graham's sentence is grossly disproportionate when viewed through the prism of his status as a juvenile offender. *Roper* concluded that juveniles are less culpable than

adults for their criminal conduct, primarily because of three basic differences between juveniles and adults. First, juveniles possess less maturity and an underdeveloped sense of responsibility, which often results in impetuous and ill-considered actions and decisions. Second, juveniles are more vulnerable and susceptible to negative influences and outside pressures, including peer pressure. Third, the personality and character traits of juveniles are less well-formed and more transitory. These uncontested common-sense distinctions between juveniles and adults have been confirmed by the undisputed scientific evidence and ratified in the laws of the several States by the numerous age-based legislative classifications for voting, marriage, and other adult activities. *Roper* and the scientific data confirm that the irresponsible conduct of juveniles is morally less reprehensible than the same conduct by adults.

B. The underdeveloped personality characteristics of juveniles relied upon in *Roper* render imprisoning juvenile offenders for life without parole for non-homicide offenses unjustifiable. The lesser culpability of juveniles undermines the State's goal of retribution in imposing a sentence of life without parole. And the State's goal of deterrence is not accomplished by imprisoning juveniles to a life sentence without the possibility of parole because, as the Court in *Roper* acknowledged and scientific research has proven, the threat of adult punishment does not deter misconduct by juveniles. Finally, life without parole rejects rehabilitation and embraces incapacitation. As the *Roper* Court noted, juveniles are more malleable and capable of reform than adults; it is cruel to simply "give up" on them.

C. This case confirms the inherent difficulties in sentencing a juvenile to life without parole, and the judgment of the court below at sentencing directly contradicts *Roper*'s rationale. The court concluded that Graham—who at age 16 committed the only crimes for which he has ever been convicted—was incapable of *ever* being rehabilitated or deterred from committing more offenses. But this Court in *Roper* explicitly concluded that a sentencer could not reliably predict a juvenile's potential for rehabilitation and deterrence. Not even "expert psychologists [can] differentiate between the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption." *Roper*, 543 U.S. at 573.

Nor is Graham's life-without-parole sentence the result of any legislative judgment. In *Solem v. Helm*, 463 U.S. 277 (1983), this Court invalidated a life-without-parole sentence in part because the legislature there did not *mandate* such a sentence but rather merely *permitted* it. Subsequently, in upholding a life-without-parole sentence *mandated* by the legislature, Justice Kennedy distinguished *Solem* by explaining that it repudiated the "judgment of a single jurist," not the judgment of a legislature. *Harmelin v. Michigan*, 501 U.S. 957, 1006 (1991) (Kennedy, J., concurring in part and concurring in judgment). In this case, the Florida Legislature has not mandated that a juvenile be sentenced to life without parole for committing an armed burglary.

D. The unconstitutionality of Graham's sentence is confirmed by the fact that he is one of a handful of juveniles, in *any* State, who has been sentenced to life without parole for a non-homicide offense such as armed burglary. A comparative analysis is required because, as a threshold matter, Graham's sentence is the same as the harshest sentence that a juvenile could receive for murder, and thus is disproportionate in light of the less serious nature of Graham's offense, an armed burglary which did not involve the taking of a life or an attempt to take life. Indeed, the harshest adult punishment (death) would not be constitutional for any similar offense committed by an adult offender. *Enmund v. Florida*, 458 U.S. 782, 787, 801 (1982); *Kennedy v. Louisiana*, 128 S. Ct. 2641, 2645-2648, 2660 (2008).

Graham's sentence is significantly greater than the average sentences for *all* offenders (adult and juvenile) convicted in Florida of violent crimes (8.5 times greater) or armed burglaries (7.1 times greater). Though Graham's armed burglary conviction is comparable to the offenses of thousands of juvenile offenders, Florida has sentenced only 77 juvenile offenders to life without parole for a mere non-homicide offense.

More significantly, compared to the rest of the Nation, Florida stands virtually alone. Florida leads the Nation in imprisoning juveniles for non-homicide offenses. Outside of Florida, there is *no* juvenile, non-homicide offender serving a life-without-parole sentence for a burglary offense, and only one other State even permits such a sentence for a first-time armed burglary offender such as Graham. Looking at all non-homicides, there are only 29 juvenile, non-homicide offenders serving life without parole outside of Florida, and they are concentrated in five other States. This means that Florida incarcerates approximately 70% of the Nation's juvenile, non-homicide offenders. Finally, the international community has overwhelmingly rejected and condemned the practice of imprisoning juveniles for life without parole.

### **Counsel of Record**

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# Synopses of *Amicus Curiae* Briefs

In Support of Petitioners  
Joe Sullivan and Terrance Graham

*Sullivan v. Florida*  
*Graham v. Florida*

Summaries and Signatories

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# *Amicus* Brief Summaries

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# Mental Health Experts

## *Summary of Brief in Support of Petitioners Sullivan and Graham*

### **Summary**

A sentence of life without parole usually reflects society's conclusion that an offender's culpability is so great, the benefit of deterrence so high, and the potential for change and rehabilitation so low that the person must be incapacitated for the rest of his or her days. The overwhelming body of scientific and academic study shows that these conclusions cannot be drawn with any degree of certainty for adolescents as a class, including adolescents who commit serious crimes. This body of work, which has only deepened since the Court relied upon it in *Roper v. Simmons*, demonstrates that the principal purposes of sentencing — punishing the culpable and deterring the rational — are not furthered by denying the possibility of parole to adolescents. Denying the possibility of parole also irrationally ignores the fact that adolescents as a class are substantially more likely than adults to change, transform, and rehabilitate during their remaining lifetimes — especially if they are subject to appropriate social interventions.

The brief focuses on the state of the science regarding the neurological, physiological, psychological, and emotional development of adolescents to argue that, in sum, the purposes of a sentence of life without the possibility of parole are not served by imposing such a sentence on adolescents.

### **Interest of Amici**

*Amici Curiae* are an interdisciplinary group of psychologists, social scientists, and neuroscientists who have devoted their careers to the study of adolescent development and behavior. *Amici* respectfully submit this Brief to bring to the attention of the Court the overwhelming body of academic and professional literature and scientific evidence demonstrating — consistent with everyday experience and common sense — that an adolescent is fundamentally different in critical respects than he or she will be at the age of maturity and beyond. Although adolescents must be held responsible for their actions, they generally lack mature decision making capability, have an inflated appetite for risk, are prone to influence by peers, and do not accurately assess future consequences. At the same time, adolescents' minds and selves are highly malleable and capable of enormous change. For these reasons, *amici* submit that it is inherently cruel to lock up an adolescent and throw away the key, in disregard of the person's immaturity and the character-transforming changes that are virtually certain to occur in his or her near lifetime.

## **Counsel of Record**

**Stephen M. Nickelsburg**  
Clifford Chance US LLP

## **Signatories**

**J. Lawrence Aber** is Professor of Applied Psychology and Public Policy at the Steinhardt School of Culture, Education, and Human Development at New York University and Director of the Children's Institute at the University of Cape Town, South Africa. He is an internationally recognized expert in child development and social policy and testifies frequently before Congress, state legislatures, and other deliberative bodies.

**Marc S. Atkins** is Professor of Psychology in Psychiatry and Director of Psychology Training at the Institute for Juvenile Research at the University of Illinois at Chicago.

**Camilla P. Benbow** is Patricia and Rodes Hart Dean of Education and Human Development at Vanderbilt University's Peabody College and a member of the Board of the American Psychological Association.

**Mary M. Brabeck** is Professor and Dean of the Steinhardt School of Culture, Education, and Human Development at New York University and Fellow of the American Psychological Association.

**Jerome Bruner** is Research Professor of Psychology and Senior Research Fellow in Law at New York University, founder of the Center for Cognitive Studies at Harvard University, and past President of the American Psychological Association.

**Hardin L.K. Coleman** is Dean of the School of Education and Professor of Counseling Psychology at Boston University.

**Jane C. Conoley** is Professor and Dean at Gevirtz Graduate School of Education at the University of California, Santa Barbara, and the former Dean of Education at Texas A&M University.

**Kenneth A. Dodge** is William McDougall Professor of Public Policy, Professor of Psychology and Neuroscience, and Director of the Center for Child and Family Policy at Duke University.

**Michelle Fine** is Distinguished Professor of Social Psychology, Women's Studies, and Urban Education at the Graduate Center at the City University of New York.

**Douglas Fuchs** is Professor and Nicholas Hobbs Chair in Special Education and Human Development at Vanderbilt University's Peabody College and co-director of the Vanderbilt Kennedy Center Reading Clinic.

**Lynn S. Fuchs** is Professor and Nicholas Hobbs Chair in Special Education and Human Development at Vanderbilt University's Peabody College.

**Frances M. Jensen** is Professor of Neurology at Harvard Medical School's Department of Neurology and Director of Translational Neuroscience, Director of Epilepsy Research at Children's Hospital Boston, and Senior Associate Physician in Neurology at Children's Hospital Boston and Brigham and Women's Hospital.

**Brinton Lykes** is Associate Director of the Center for Human Rights and International Justice at Boston College and Professor of Community-Cultural Psychology. She has served as a Fellow of the American Psychological Association and Chair of the Committee on International Relations in Psychology.

**Jacqueline Mattis** is Associate Professor of Applied Psychology and Department Chair at New York University's Steinhardt School of Culture, Education, and Human Development.

**Pedro Noguera** is Professor of Teaching and Learning at the Steinhardt School of Culture, Education, and Human Development at New York University.

**Isaac Prilleltensky** is The Erwin and Barbara Mautner Chair in Community Well-Being, Dean of the University Of Miami School of Education and Professor of Educational and Psychological Studies. He is a fellow of the American Psychological Association and of the American Educational Research Association.

**Niobe Way** is Professor of Applied Psychology at New York University and President-Elect of the Society For Research on Adolescence.

# **Psychological and Mental Health Organizations**

## *Summary of Brief in Support of Petitioners Sullivan and Graham*

### **Summary**

Research in developmental psychology and neuroscience—including the research presented to the Court in *Simmons* and additional research conducted since *Simmons* was decided—confirms and strengthens the conclusion that juveniles, as a group, differ from adults in the salient ways the Court identified. Juveniles—including older adolescents—are less able to restrain their impulses and exercise self-control; less capable than adults of considering alternative courses of action and maturely weighing risks and rewards; and less oriented to the future and thus less capable of apprehending the consequences of their often-impulsive actions.

This Court held in *Simmons* that juveniles’ developmental characteristics mitigated their culpability and made death a disproportionate punishment for juvenile offenders. Those same characteristics support the conclusion that sentencing juveniles to die in prison for the crimes at issue here is likewise a disproportionate punishment. A sentence of life imprisonment without the possibility of parole, like a sentence of death, is in a very real sense final: it condemns the offender to die in prison without affording him any opportunity to demonstrate a reformed moral character that might warrant release. And that sentence is particularly harsh as applied to a juvenile, who will never experience free adulthood. Condemning an immature, vulnerable, and not-yet-fully-formed adolescent to die in prison is a constitutionally disproportionate punishment.

### **Interest of Amici**

The American Psychological Association, American Psychiatric Association, the National Association of Social Workers, and Mental Health America file this brief in support of petitioners given our expertise in regard to the issues of juvenile capacity and its relation to culpability, and given our respective positions as the preeminent organizations in our given fields.

### **Counsel of Record**

**Nathalie F.P. Gilfoyle**

General Counsel, American Psychological Association

**Danielle Spinelli**

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## **Signatories**

The **American Psychological Association** (“APA”) is a voluntary non-profit scientific and professional organization with more than 155,000 members and affiliates. Since 1982, the APA has been the principal association of psychologists in the United States. Its membership includes the vast majority of psychologists holding doctoral degrees from accredited universities in the United States.

The **American Psychiatric Association**, with roughly 35,000 members, is the principal association of physicians who specialize in psychiatry.

The **National Association of Social Workers** (NASW) is the largest association of professional social workers in the world, with 147,000 members and 56 chapters throughout the United States and abroad.

**Mental Health America** (MHA) (formerly known as the National Mental Health Association) is the oldest mental health advocacy and education organization in the United States. Its board and staff are comprised of professionals with expertise in the diagnosis and treatment of mental illnesses, persons with mental illnesses, and other persons with expertise in mental health public policy.

# **American Medical Association and the American Academy of Child and Adolescent Psychiatry**

## *Summary of Brief in Support of Neither Party*

### **Summary**

The adolescent's mind works differently from ours. Parents know it. This Court has said it. Legislatures all over the world have presumed it for decades or more. And scientific evidence now sheds light on how and why adolescent behavior differs from adult behavior. The differences in behavior have been documented by scientists along several dimensions. Scientists have found that adolescents as a group, even at later stages of adolescence, are more likely than adults to engage in risky, impulsive, and sensation-seeking behavior. This is, in part, because they overvalue short-term benefits and rewards, are less capable of controlling their impulses, and are more easily distracted from their goals. Adolescents are also more emotionally volatile and susceptible to stress and peer influences. In short, the average adolescent cannot be expected to act with the same control or foresight as a mature adult.

Behavioral scientists have observed these differences for some time, but only recently have studies provided an understanding of the biological underpinnings for why adolescents act the way they do. For example, brain imaging studies reveal that adolescents generally exhibit more neural activity than adults or children in areas of the brain that promote risky and reward-based behavior. These studies also demonstrate that the brain continues to mature, both structurally and functionally, throughout adolescence in regions of the brain responsible for controlling thoughts, actions, and emotions. While science cannot gauge moral culpability, scientists can shed light on some of the measurable attributes that the law has long treated as highly relevant to culpability and the appropriateness of punishment. This brief focuses on what science can tell us about the neurological, physiological, psychological, emotional, and behavioral development of adolescents from the perspective of researchers and medical professionals.

### **Interest of Amici**

*Amici* are committed to the advancement of science. While not taking a formal position on whether sentencing a juvenile to a term of imprisonment of life without the possibility of parole violates the protections provided by the Eighth Amendment of the U.S. Constitution, *amici* submit this brief to describe the scientific findings of medical, psychiatric, and psychological research relevant to this issue.

## **Counsel of Record**

**E. Joshua Rosenkranz**

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## **Signatories**

**The American Medical Association** has approximately 240,000 members, making it the nation's largest professional organization of physicians and medical students.

Founded in 1847, its purpose is to promote the science and art of medicine and the betterment of public health.

**The American Academy of Child and Adolescent Psychiatry**, founded in 1953, is comprised of over 7,500 child and adolescent psychiatrists and other interested physicians. Consistent with the focus of the juvenile court system on rehabilitation rather than retribution and multiple international treaties, including the UN Convention of Rights of the Child, the AACAP has adopted a policy statement strongly opposing the imposition of a sentence of life without the possibility of parole for crimes committed as juveniles.



# Former Juvenile Offenders

## *Summary of Brief in Support of Petitioners Sullivan and Graham*

### **Summary**

As the experiences of *Amici* show, it is fundamentally inhumane to give up on a youthful offender. The same distinctive characteristics of youth that render capital punishment unconstitutional for juvenile offenders make it equally improper to sentence them to life in prison without the possibility of parole. As individuals who committed serious criminal offenses as juveniles but who subsequently have realized their mistakes, atoned for them, and rehabilitated themselves, *Amici* are uniquely situated to provide insight into the difficult issues presented in these cases. Their stories, and the stories of others like them, prove that no matter how broken their spirits, nor how violent their actions, juveniles can be redeemed and can make contributions to society that would be tragic to lose.

### **Interest of *Amici***

The *Amici* who submit this brief are former juvenile offenders who were able to become productive, law-abiding adults and make meaningful contributions to society. *Amici* believe that their experiences may assist the Court in resolving the difficult issues presented by these cases by providing insight into the unique capacity of children to rehabilitate themselves.

### **Counsel of Record**

**David W. DeBruin**  
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### **Signatories**

**Charles S. Dutton** attended Yale University's School of Drama. He made his Broadway debut in 1984. He has received two Tony nominations and won an Emmy for directing.

**Alan K. Simpson** served in the United States Senate from 1979 to 1997, serving, among other positions, as Republican Whip and Chairman of the Veterans Affairs Committee. He is former Director of Harvard University's Institute of Politics.

**R. Dwayne Betts** is a published author and poet.

**Luis Rodriguez** is an acclaimed writer, activist, and poet who has published fourteen books.

**Terry K. Ray** is a former trial attorney for the Department of Justice Tax Division and Assistant United States Attorney.

**T. J. Parsell** is a successful software executive and one of the country's leading advocates against prison rape.

**Ishmael Beah** is a United Nations Children's Fund Advocate for Children Affected by War and a best-selling author.

# **Victims' Advocates**

## *Summary of Brief in Support of Petitioners Sullivan and Graham*

### **Summary**

*Amici* urge the Court to hold that the sentence of life without parole for criminal acts less severe than murder violates the Eighth Amendment's prohibition against cruel and unusual punishment. Victims differ in their views on proportionality of punishment for juvenile offenders and the importance of allowing juvenile offenders to be released from prison upon rehabilitation. In considering what is cruel and unusual, the Court should therefore not assume all victims would support the continued imposition of life without parole sentences upon juveniles.

*Amici* contend that proportionality, rehabilitation, and forgiveness must be the governing principles of juvenile sentencing. These principles are ill-served by sentencing children to life without the possibility of parole. The testimonials in the brief demonstrate how individual victims came to forgive and how forgiveness helped them realize that life without parole is an inappropriate sentence for children.

### **Interest of Amici**

*Amici* are individuals who have lost family members to violent crime committed by juveniles yet oppose life sentences without the possibility for parole for juveniles. *Amici* also include an organization whose mission focuses on assisting such crime victims and whose activities and experiences have led the organization to stand against life sentences without parole for juveniles. Because the interests of other juvenile crime victims will be uniquely and significantly impacted by the resolution of this case, *amici* submit their testimonials in hopes of giving voice to their reasoned opposition to juvenile life without parole.

### **Counsel of Record**

**Angela C. Vigil**  
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### **Signatories**

**Mothers Against Murderers Association** is a non-profit organization comprised of ninety-eight mothers of murder victims dedicated to assisting parents or guardians of murder victims and to providing quality programs for youth that will turn them away from violent acts.

**Robert Hoelscher**, former Executive Director of the Innocence Project of New Orleans, was seven when his father was murdered by a juvenile.

**Ruth Johnson** lost her 22-year-old son in 1987 when he was murdered by a juvenile.

**Azim Khamisa** is a published author and violence prevention advocate whose son was murdered by a juvenile gang member.

**Bill Pelke** is President of Journey of Hope, an organization for families of murder victims who oppose the death penalty, whose grandmother was killed by four juveniles.

**Aqeela Sherrills** is a violence prevention and community advocate whose son was murdered by a juvenile.

**Tammi Smith** was a teenager when her half-brother was murdered by two juveniles.

**Linda White** lost her daughter who was murdered by two juveniles.

# Juvenile Law Center

## *Summary of Brief in Support of Petitioner Graham*

### **Summary**

*Amici* urge the Court to find the sentence of life without parole for youthful offenders who committed non-homicide crimes unconstitutional under the Eighth Amendment. The Court's holding in *Roper v. Simmons* reflects a decades-long commitment to considering the special characteristics of youth when constructing their rights under the Constitution. The Court's holding in *Roper* was enriched and informed by scientific and developmental research that confirmed the transitory nature of the characteristics of youth, their diminished criminal culpability and their capacity for change and rehabilitation.

Additionally, the Court's Eighth Amendment jurisprudence proscribes penalties that do not accord with human dignity. Looking beyond legislative indicia, the Court must exercise its own independent judgment in determining the constitutionality of criminal punishments under the Eighth Amendment. Such independent judgment must consider the diminished culpability of the petitioners and the fact that these life without parole sentences fail to serve any legitimate penological purpose.

### **Interest of Amici**

The organizations submitting this brief work with, and on behalf of, adolescents in a variety of settings, from day care to foster care, substance abuse to homelessness, and at every stage of the juvenile and criminal justice process. *Amici* are advocates and researchers who bring a unique perspective and a wealth of experience in providing for the care, treatment, and rehabilitation of youth in the child welfare and juvenile justice systems. *Amici* know from first hand experience that youth who enter these systems need extra protection and special care. *Amici* also know from their collective experience that adolescent immaturity often manifests itself in numerous ways that implicate culpability, and that central to adolescence is the capacity to change and mature. It is precisely for these reasons that *Amici* believe that the status of childhood and adolescence separates youth from adults in categorical and distinct ways that, while youth should be held accountable, they cannot be held to the same standards of blameworthiness and culpability as their adult counterparts.

### **Counsel of Record**

**Marsha Levick**

Deputy Director, Juvenile Law Center

## **Signatories**

**Juvenile Law Center** is the oldest multi-issue public interest law firm for children in the United States, founded in 1975 to advance the rights and well being of children in jeopardy.

The **Children and Family Justice Center**, established in 1992 at the Northwestern University School of Law's Bluhm Legal Clinic, is a legal service provider for children, youth and families and a research and policy center.

**The National Juvenile Defender Center** is an organization working to build the capacity of the juvenile defense bar in order to improve access to counsel and quality of representation for children in the justice system.

**Alabama Fair Sentencing of Children** is a grassroots efforts in Alabama working to abolish juvenile life without parole.

**The Barton Child Law & Policy Clinic**, founded in 2000 at Emory School of law, is dedicated to ensuring safety, well-being and permanency for abused and court-involved children in Georgia.

**Campaign for the Fair Sentencing of Youth** is comprised of advocates, lawyers, religious groups, mental health experts, victims, law enforcement, doctors, teachers, families, and people directly impacted by this sentence, who are dedicated to ending the practice of sentencing youth to life in prison without the opportunity to give evidence of their remorse and rehabilitation.

**The Campaign for Youth Justice** is a national organization dedicated to ending the practice of trying youth in the adult criminal justice system.

**The Center for Children and Families**, at University of Florida's Federic G. Levin College of Law, is a research and advocacy organization for children and their families, promoting child-centered policies and practices in dependency and juvenile justice systems.

**The Center for Children's Advocacy** is a non-profit organization based at the University of Connecticut Law School dedicated to the promotion and protection of the legal rights of poor children.

**The Center for Children's Law and Policy** is a public interest law and policy organization focused on reform of juvenile justice and other systems that affect troubled and at-risk children, and protection of the rights of children in such systems.

**The Central Juvenile Defender Clinic** is a training, technical assistance and resource development project housed at the Children's Law Center.

**The Children's Law Center** is a legal service center in Kentucky dedicated to protecting the rights of youth through direct representation, research and policy development and training and education.

**Children's Law Center of Los Angeles** is a non-profit, public interest law corporation funded by the Court to serve as appointed counsel for Los Angeles County's abused and neglected youth.

**The Children's Law Center of Massachusetts** is a non-profit legal services agency that provides direct representation and appellate advocacy for indigent children in juvenile justice, child welfare and education matters.

**The Child Welfare League of America** is an 89-year-old association of more than 600 public and private child and family-service agencies that collectively serve more than 3 million abused, neglected and vulnerable children.

**The Civitas Child law Center** is a program of the Loyola University Chicago School of law whose mission is to prepare law students and lawyers to be ethical and effective advocates for children.

**The Defender Association of Philadelphia** is an independent, non-profit corporation created in 1934 by a group of Philadelphia lawyers dedicated to providing high quality legal services for indigent criminal defendants.

**Fight for Lifers** is a support group in Western Pennsylvania devoted to prisoner who are sentenced to life without parole.

**Human Rights Watch** is a non-governmental organization established in 1978 to monitor and promote observance of internationally recognized human rights, including life without parole sentences for youth in the United States.

**International CURE (Citizens United for Rehabilitation of Errants)** is a grassroots organization dedicated to reforming sentencing policy and increasing the rehabilitative role of prisons.

**The Iowa Coalition to Oppose Life without the Possibility of Parole for Children** is made up of groups of individuals and organizations who support the elimination of this sentence in Iowa.

**The John Howard Association of Illinois** provides critical public oversight of Illinois' prisons, jails and juvenile correctional facilities and advocates for humane and effective sentencing and correctional policies.

**Just Children**, a project of the Legal Aid Justice Center, works to reform Virginia's juvenile justice system including right to counsel and conditions of confinement.

**Justice for Children Project** is an educational and interdisciplinary research project housed within The Ohio State University Michael E. Moritz College of Law dedicated to addressing systemic problems facing children in the legal system.

**Juvenile Justice Project of Louisiana** is a non-profit advocacy organization founded in 1997 focused on reform of the juvenile justice system in Louisiana.

**The Juvenile Rights Advocacy Project** is a curricular law clinic, based at Boston College of Law School since 1995, that represents youth in the delinquency or status offense systems.

**The Kids First Law Center** is a non-profit public interest organization providing children in Iowa free legal counsel in high-conflict custody and divorce cases.

**The Mid-Atlantic Juvenile Defender Center** is a juvenile defense resource center promoting policy development on access to counsel and quality of representation in delinquency proceedings.

**The National Association of Counsel for Children** is a non-profit child advocacy and professional membership association founded in 1977 dedicated to enhancing the well-being of America's children.

**The National Center for Youth Law** is a non-profit organization devoted to using the law to improve the lives of poor children nation-wide by ensuring they have the resources, support and opportunities to become self-sufficient adults.

**The National Juvenile Justice Network** works to enhance the capacity of state-based juvenile justice coalitions and organizations to advocate for state and federal laws and policies that are fair and developmentally appropriate for all children, youth and families involved in the justice system.

**The Northeast Regional Juvenile Defender Center**, housed jointly at Rutgers law School and the Defender Association of Philadelphia, is dedicated to increasing justice for and access to quality representation for children caught up in the juvenile and criminal justice systems.

**The Pacific Juvenile Defender Center** is a regional affiliate of the National Juvenile Defender Center working to protect the rights of children in juvenile delinquency proceedings in California and Hawaii.

**The Pendulum Foundation** is a non-profit organization located in Colorado committed to educating the public about the issues surrounding children convicted as adults.

**The Pennsylvania Prison Society** advocates for a humane system of corrections that allows for the rehabilitation of juvenile offenders.



**The Public Defender Service for the District of Columbia** is a federally funded, independent public defender organization providing legal representation to indigent adults and children in the DC justice system.

**The Southern Juvenile Law Center** works to ensure excellence in juvenile defense and secure justice for children in delinquency and criminal proceedings in the southeastern United States.

**The Support Center for Child Advocates** is Philadelphia's volunteer lawyer program for abused and neglected children, representing 800 children each year.

**Voices for Georgia's Children** is an independent, non-profit organization whose mission is to substantially improve outcomes for Georgia's children through advocacy, original research, and analysis.

**The Youth Law Center** is a San Francisco-based national public interest law firm working to protect the rights of children at risk or involved in the juvenile justice and welfare system since 1978.

### ***Individuals***

**Mary Berkheiser** is a Professor of Law at the William S. Boyd School of Law, University of Nevada and Director of the Juvenile Justice Clinic.

**Shay Bilchik** is the founder and Director of the Center for Juvenile Justice Reform at Georgetown University Public Policy Institute.

**Tamar Birckhead** is an Assistant Professor of law at the University of North Carolina at Chapel Hill where she teaches the Juvenile Justice Clinic.

**Laura Cohen** is a professor at Rutgers School of Law and the former director of training for the New York City Legal Aid Society's Juvenile Rights Division.

**Michele Deitch** teaches juvenile justice policy and criminal justice policy at the University of Texas Lyndon B. Johnson School of public Affairs and at the University of Texas School of Law.

**Barbara Fedders** is a clinical assistant professor at the University of North Carolina School of law and former clinical instructor at the Harvard Law School Criminal Justice Institute.

**Barry Feld** is Centennial Professor of Law at University of Minnesota Law School.

**Brian J. Foley** is a Visiting Associate Professor of Law at Boston University School of law, teaching criminal law and procedure, including juvenile law.

**Martin Guggenheim** is a Professor of Clinical Law at N.Y.U. Law School and former Director of Clinical and Advocacy Programs.

**Kristin Henning** is a Professor of Law and Co-Director of the Juvenile Justice Clinic at the Georgetown Law Center.

**Miriam Aroni Krinsky** is a Lecturer at the UCLA School of Public Policy and Adjunct Professor at Loyola Law School.

**Wallace Mlyniec** is the former Associate Dean of Clinical Education and Public Service, and currently Professor of Clinical legal Studies, and Director of the Juvenile Justice Clinic at Georgetown University Law Center.

**Eddie Ohlbaum** is professor at Temple Law School and trial lawyer.

**Jeffrey Shook** is an Assistant Professor of Social Work and an Affiliated Professor of Law at University of Pittsburgh.

**Abbe Smith** is a Professor of Law and Co-Director of the Criminal Justice Clinic and E. Barrett Prettyman Fellowship Program at Georgetown Law School.

**Michael F. Sturley** is the Stanley D. and Sandra J. Rosenberg Centennial Professor at the University of Texas Law School.

**Barbara Bennett Woodhouse** is Professor of Law at Emory University and Co-Director of the Barton Child Law and Policy Clinic, as well as David H. Levin Chair in Family Law at University of Florida.

# **Corrections Community**

## *Summary of Brief in Support of Petitioners Sullivan and Graham*

### **Summary**

While *Amici* strongly believe that juveniles must be held accountable for their actions, condemning a juvenile to prison for the rest of his life at a point where his true character and potential cannot be accurately assessed is deeply troubling. In *Amici*'s professional capacities, they have experienced great successes with juveniles who others believed could not succeed. They believe the critical question for this Court is not "whether" but "when" – when is the proper and humane time to decide if a juvenile deserves to spend his life in prison. Empirical data, medical science and practical experience overwhelmingly shows that juvenile offenders are distinct from adult offenders and that these distinctions evince a unique potential for rehabilitation. *Amici* submit, therefore, that this determination can be made only in a post-adolescence review of the development and treatment progress of a juvenile offender.

### **Interest of Amici**

*Amici* are Corrections professionals, working within and outside the prison system as corrections officers, probation/parole officers, community corrections workers and prison administrators with juvenile and adult offenders. It is our responsibility to protect society, maintain order within our facilities, and to be responsive to the needs of those committed to our care and supervision.

### **Counsel of Record**

**Corrine A. Irish**  
Holland & Knight, LLP

### **Signatories**

The **Council of Juvenile Correctional Administrators (CJCA)** represents the youth correctional CEOs in fifty states, Puerto Rico, Washington, D.C. and some major metropolitan counties. Through the collaborative efforts of its members, CJCA has developed an expertise in designing and implementing the most effective practices for the treatment of juveniles within their care.

The **National Association of Juvenile Correction Agencies (NAJCA)** was founded in 1903 and is an affiliate of the American Corrections Association. Its members represent the broad spectrum of researchers, administrators and caretakers working in the juvenile corrections field.

The **National Juvenile Detention Association (NJDA)** is a national organization with over 400 individual members consisting of juvenile detention practitioners and administrators as well as 12 affiliate state juvenile detention associations. Since 1968, the NJDA has existed exclusively to advance the science and processes of juvenile detention services.

The **National Partnership of Juvenile Services** was formed in 2001 and is the operating structure of five distinct organizations including *amici* NAJCA and NJDA, as well as the Juvenile Justice Trainers Association, the Council of Educators for At-Risk and Delinquent Youth and the National Association of Children of Incarcerated Parents.

The **American Probation and Parole Association (APPA)** is an international organization, which represents approximately 35,000 probations and parole practitioners within juvenile and adult corrections, including line staff, supervisors and administrators.

The **International Community Corrections Association (ICCA)** represents more than 250 private agencies operating over 1500 residential and other community-based correction programs for children and adults; it also has over 1000 individual members.

# **Disability Rights Legal Center**

## *Summary of Brief in Support of Petitioners Sullivan and Graham*

### **Summary**

Sending children to prison for life without parole violates the Eighth Amendment because the practice is both cruel and unusual. It is grossly disproportionate to juvenile culpability, especially for non-homicidal crimes like those at issue here. It is exceptionally unusual in modern society. And it is unusually cruel in light of the offender's extreme youth, which more often than not is accompanied by a developmental disability. This brief explains how juveniles' special susceptibility to emotional, psychological, and learning-related disabilities affects the constitutional limits on their sentencing. Juveniles suffering from serious disabilities are likely to be particularly disadvantaged at every stage of their dealings with the criminal justice system. When their disabilities are unrecognized, as is often the case, these problems intensify. And the disproportionality of a sentence of life without parole is especially pronounced for juveniles with disabilities, given the realities of long-term incarceration in facilities where harsh and austere conditions purposely tax the most hardened adult inmate; those same conditions aggravate existing juvenile deficits.

The high frequency of disabilities in juveniles involved in the criminal justice system further impedes the reliable assessment of juvenile culpability. Consequently, any irrevocable assessment of culpability is necessarily unsound and a lifelong sentence unconstitutionally excessive. The discredited notion that juveniles are merely adults in training and thus should be subject to the same punishment should be laid to rest. As this Court has recognized, juveniles, and especially juveniles with diminished capacities, present different issues of culpability entirely. Because the nature and the assessment of juvenile culpability make final and irrevocable judgments irrational, a sentence to a juvenile of life without parole for a non-homicidal offense exceeds constitutional limits in the same way as a death sentence for a juvenile who commits a homicide.

### **Interest of Amici**

*Amici* provide legal advocacy to ensure that at-risk youth receive appropriate general and special education services in their community, thereby reducing the likelihood that they will one day become involved in the juvenile and adult justice systems. Because early intervention is far from comprehensive, a large proportion of youth who do become involved in the juvenile delinquency system have undetected learning-related disabilities. *Amici's* Juvenile Justice Section accordingly works to ensure that court-involved youth with special education needs receive appropriate education and related services. *Amici* support criminal justice policies that recognize

the special needs of juveniles and the factors that uniquely affect their culpability. It therefore opposes the imposition of life-without-parole sentences on juveniles whose offenses were committed before the age of 18.

### **Counsel of Record**

**Neil M. Soltman**  
Mayer Brown LLP

### **Signatories**

The **Disability Rights Legal Center** (DRLC) is a non-profit organization dedicated to promoting the rights of people with disabilities and to heightening public awareness of those rights by providing legal and related services. DRLC accomplishes its mission through many programs, including the Cancer Legal Resource Center (a joint program with Loyola Law School), the Education Advocacy Program, the Education and Outreach Program, and the Civil Rights Litigation Program. Since 1975, DRLC has handled countless disability rights cases under state and federal civil rights laws challenging discriminatory practices by government, business, and educational institutions.

# Educators

## *Summary of Brief in Support of Petitioners Sullivan and Graham*

### **Summary**

In light of the categorical differences between adolescents and adults, which are fundamental to the mission and best practices of educators, it offends civilized standards of decency to sentence adolescents to die in prison for non-homicide offenses committed during their youth. To do so would fail to appreciate the lesser moral culpability of juvenile offenders and their diminished ability, as compared to adults, to understand the consequences of their conduct and to control their immediate surroundings in order to escape negative influences. Even more fundamentally, educators like *amici* agree that sentencing children to die in prison for non-homicide offenses senselessly ignores children's capacity for growth and rehabilitation so early in their lives, wrongly treating those adolescents as irretrievably depraved. Juveniles are particularly amenable to the positive influences of education, community support, and rehabilitation because they are still developing. *Amici* therefore agree with Petitioners that, in light of these fundamental differences between adults and adolescents, there is no justification for imposing LWOP sentences on juveniles as a means of deterrence or retribution for non-homicide offenses. Such sentences are out of step with norms of civilized society, and in violation of the prohibition of excessive, cruel and unusual punishment under the Eighth and Fourteenth Amendments to the United States Constitution.

### **Interest of Amici**

*Amici curiae* are leading educators, scholars, and child advocates who believe that all children have the potential for growth and transformation so long as society does not give up on them. Several *amici* are leaders of alternative education schools and programs who serve so-called "at-risk" youth – adolescents who have been incarcerated, exhibited disruptive or violent behavior, dropped out of school, or who disproportionately face the insidious obstacles of poverty, neglect, violence, addiction, and other often incapacitating social harms. As educators, *amici* are intimately familiar with the dynamic, transient nature of youth and therefore categorically reject the notion that children are incorrigible and thus cannot be changed. On the contrary, educators know first-hand that because adolescents are still developing cognitively, socially, emotionally, and even physically, they possess an inherent capacity for positive growth and development. That defining characteristic of youth means that even the most at-risk or troubled child has the potential to transform his life as he matures. In light of these fundamental principles, which motivate *amici* to nourish each child's potential for positive development, *amici* write here to express their deep concern about the sentences at issue in these cases.

## **Counsel of Record**

**John J. Gibbons**

Gibbons P.C.

## **Signatories**

**Geoffrey Canada** is President and Chief Executive Officer of Harlem Children's Zone, which began in 1970 working with young children and their families as New York City's first truancy prevention program.

**David Domenici and James Forman, Jr.** are co-founders of See Forever Foundation and Maya Angelou Public Charter Schools, which work to create learning communities in lower income urban areas where all students, particularly those who have not succeeded in traditional schools, can reach their potential.

**Fr. Jim Gartland, S.J.**, is the President of Cristo Rey Jesuit High School, a neighborhood school with the mission of offering the best college preparatory education available to the youth of Chicago, for whom other private schools are not a financial option.

**Khary Lazarre-White** is the Executive Director and Co-Founder of The Brotherhood/Sister Sol Inc. (BHSS). Founded in 1995, BHSS provides comprehensive, holistic and long-term support services to youth in Harlem.

**Dr. Peter E. Leone** is a Professor of Special Education, at the University of Maryland, College of Education, and specializes in Behavior Disorders. His experience includes direct service to troubled youth as well as field-based research which examines the multidimensional problems associated with behavior disorders.

**Dr. M. Ann Levett** is the Executive Director of the School Development Program at the Yale University Child Study Center.

**Dianne Morales** is the Executive Director of The Door, an organization in New York City that serves over 11,000 young people each year by empowering them to reach their potential by providing comprehensive youth development services in a diverse and caring environment.

**Dr. Pedro Noguera** is a professor in the Steinhardt School of Culture, Education, and Human Development at New York University. He is also the Executive Director of the Metropolitan Center for Urban Education and the Co-Director of the Institute for the study of Globalization and Education in Metropolitan Settings.

**Sharon Olken** is the Principal of the Gateway High School in San Francisco, a model college preparatory charter school committed to academic excellence through personalized, student-centered learning.



**Christine Pahigian** is the Executive Director of Friends of Island Academy, a community-focused organization that works with youth, primarily ages 15 to 19 coming home from jail and/or detention in New York City.

# **American Bar Association**

## *Summary of Brief in Support of Petitioners Sullivan and Graham*

### **Summary**

The ABA respectfully submits that sentencing a juvenile offender to life in prison without the possibility of parole is not reconcilable with the lesser culpability of juvenile offenders. On that basis, settled doctrine establishes that such a sentence is not permissible under the Eighth and Fourteenth Amendments. First, JLWOP should be considered a “grossly disproportionate” sentence because the “real time” of the juvenile offender’s prison term, barring executive commutation, is the rest of the juvenile’s life. Second, “the evolving standards of decency” have established that none of the standard justifications for criminal justice sentencing – retribution, deterrence, incapacitation and rehabilitation – are served by JLWOP. Third, because the parole system provides sufficient safeguards to protect the public from those juvenile offenders who, as adults, are deemed to require continued imprisonment, JLWOP should not be permitted. Finally, consideration of international authorities demonstrates an overwhelming opposition to JLWOP.

### **Interest of Amici**

Since its inception, the ABA has taken an active role in advocating for the improvement of the criminal justice system, with special interest in the improvement of the juvenile justice system. The ABA includes many members who are judges, prosecutors, and defense attorneys with significant experience and special expertise in the treatment of juvenile offenders under the law. In conjunction with the Institute of Judicial Administration (“IJA”), the ABA spent over nine years developing standards for the administration of juvenile justice, which culminated in the publication in 1980 of the IJA/ABA *Juvenile Justice Standards* (the “Standards”) in 20 volumes. These Standards flowed from an exhaustive historical, legal and criminological study of society’s response to juvenile crime. The Standards reflect the expertise and knowledge of trained legal practitioners in a number of disciplines and are informed by the experience of related professions that work with juvenile offenders.

The ABA recognizes that some juvenile offenders deserve severe punishment for their crimes. However, when compared to adults, juvenile offenders’ reduced capacity – in moral judgment, self-restraint and the ability to resist the influence of others – renders them less responsible and less morally culpable than adults.

### **Counsel of Record**

**H. Thomas Wells**

President, American Bar Association

## **Signatories**

The **American Bar Association** is the largest voluntary professional membership organization and the leading organization of legal professionals in the United States. Its more than 400,000 members span all 50 states and other jurisdictions, and include attorneys in private law firms, corporations, non-profit organizations, government agencies, and prosecutor and public defender offices, as well as judges, legislators, law professors and law students.

**NAACP Legal Defense & Educational Fund, Inc., Charles  
Hamilton Houston Institute for Race & Justice, and  
National Association of Criminal Defense Lawyers**

*Summary of Brief in Support of Petitioners Sullivan and Graham*

**Summary**

Experience, science and this Court's precedents all recognize that children are fundamentally different than adults. One of the most significant aspects of this difference is that children who commit criminal offenses are less culpable than adults. These principles bear directly on the constitutionality of juvenile life without parole sentences. Such sentences fail to comport with the requirements of the Eighth Amendment for the reasons raised by the Petitioners and supporting *amici* and because the unique characteristics of youth can critically undermine defense counsel's ability to effectively assist their teenaged clients, and the compromised attorney-client relationship contributes to an increased likelihood of unreliable sentencing outcomes that fail to reflect culpability and guilt. For these reasons, individuals younger than age 18 at the time of the offense should not be subject to life without parole sentences.

**Interest of Amici**

*Amici* have long-standing concerns, in their respective fields, with the impact of racial discrimination on the criminal justice system, defending individual liberties, and reforming criminal justice policies. *Amici* all are concerned with promoting the proper administration of justice, which bears directly on this case.

**Counsel of Record**

**Vincent M. Southerland**

NAACP Legal Defense and Educational Fund, Inc.

**Signatories**

The **NAACP Legal Defense & Educational Fund, Inc.** (LDF) is a non-profit corporation formed to assist African Americans and others who are unable, on account of poverty, to employ legal counsel to secure their rights by the prosecution of lawsuits.

**The Charles Hamilton Houston Institute for Race and Justice** at Harvard Law School (CHHIRJ) continues the unfinished work of Charles Hamilton Houston, one of the Twentieth Century's most talented legal scholars and litigators. The CHHIRJ

brings together students, faculty, practitioners, civil rights and business leaders, community advocates, litigators, and policymakers to focus on, among other things, reforming criminal justice policies.

The **National Association of Criminal Defense Lawyers** (NACDL) is a non-profit corporation with more than 10,000 members nationwide and 28,000 affiliate members in 50 states, including private criminal defense lawyers, public defenders and law professors. NACDL was founded in 1958 to promote study and research in the field of criminal law, to disseminate and advance knowledge of the law in the area of criminal practice, and to encourage the integrity, independence, and expertise of defense lawyers in criminal cases.

# Faith Organizations

## *Summary of Brief in Support of Petitioners Sullivan and Graham*

### **Summary**

*Amici*, despite the highly nuanced and well-publicized differences in theology and moral outlook within and among Christianity, Judaism, Islam, and Buddhism, unite to object to the imposition of life imprisonment without the possibility of parole on juveniles convicted of non-homicide offenses. First, *amici*'s faith traditions, secular law generally, and contemporary American society all accord juveniles special treatment because of their unique status. Juveniles are still developing and maturing; they do not grasp the full consequences of their actions, and therefore are less morally culpable for their conduct and less susceptible to deterrents. Sentencing a juvenile to die in prison callously disregards this special status and diminished capacity. Second, *amici*'s fundamental religious texts teach that all individuals are deserving of mercy, forgiveness, and compassion. This is particularly true of members of vulnerable populations, such as children. Finally, life imprisonment without the possibility of parole is a sentence that conflicts with the concept of restorative justice, which is embraced by all of *amici*'s faith traditions, because it denies juvenile offenders the possibility of meaningfully rehabilitating and redemption. Sentencing youth to the permanent condemnation of a sentence of life imprisonment without the possibility of parole violates the Eighth Amendment's prohibition against cruel and unusual punishment.

### **Interest of Amici**

A coalition of Christian, Jewish, Muslim, and Buddhist religious organizations and individuals join here as *amici curiae* on behalf of Petitioners Joe Harris Sullivan and Terrance Jamar Graham. *Amici*'s faith traditions, while varied and diverse, all agree that it is morally unjustifiable to sentence juveniles convicted of non-homicide offenses to life imprisonment without the possibility of parole. The imposition of such a harsh punishment on youth contravenes contemporary standards of decency and, as such, violates the Eighth Amendment's guarantee against cruel and unusual punishment.

### **Counsel of Record**

**Michael B. De Leeuw**

Fried, Frank, Harris, Shriver & Jacobson LLP

## **Signatories**

**The American Association of Jewish Lawyers and Jurists** (“AAJLJ”) is a membership association of lawyers and jurists open to all members of the professions regardless of religion. The mission of AAJLJ is to promote an understanding of the principles of traditional Jewish law among the bar, the judiciary and the public, including an understanding of the relevance and applicability of Jewish law to current legal issues and controversies.

**The American Catholic Correctional Chaplains Association** (“ACCCA”) is a national Catholic organization committed to promoting the principles of restorative justice for all involved with, or affected by, the criminal justice system.

**The American Correctional Chaplain’s Association** (“ACCA”), an affiliate of the American Correctional Association, serves as a professional organization for pastoral care personnel in the corrections field.

**The American Friends Service Committee** (“AFSC”), the social justice and peace organization formed by the Religious Society of Friends (Quakers) in 1917, has worked with prisoners, their families, and prison officials since 1947.

**The Buddhist Peace Fellowship** (“BPF”) was founded in 1978 to serve as a catalyst for socially engaged Buddhism.

**Church Women United** (“CWU”), founded in 1941, works for and supports the rights of women and children.

**The Council of Churches of the City of New York, Inc.**, is the oldest ecumenical council in the United States. Founded in 1895, it is today a council of the major representative religious organizations representing the several Protestant and Orthodox denominations having ministry in the City of New York.

**The Engaged Zen Foundation** (“EZF”) is an American Buddhist group originally founded as a prison outreach group. Its experience working in prisons throughout the United States since 1994 has compelled it to expand its efforts to focus on the complete circle of human rights imperatives.

**General Synod of the United Church of Christ** (“UCC”) is the representative body of the national setting of the United Church of Christ and is composed of delegates chosen by its conferences from member churches, voting members of Boards of Directors of Covenanted Ministries who have been elected by General Synod as described in the Bylaws of the UCC, and ex officio delegates.

**The Islamic Shura Council** is an umbrella organization of Mosques and Muslim organizations, serving more than half a million Muslims in Southern California.

**Karamah: Muslim Women Lawyers for Human Rights** is a charitable, educational organization that focuses on the domestic and global issues of human rights, especially those of Muslim women.

**Mormons for Equality and Social Justice** (“MESJ”) is a grassroots organization of Latter-day Saint individuals who are “anxiously engaged” (D&C 58:27) in working for the gospel values of peace, equality, justice, and wise stewardship of the earth in a spirit of Christ-like charity and concern.

**The National Council of the Churches of Christ** in the USA (“NCC”) is a community of 35 national Christian denominations, communions and conventions with 45 million adherents in 100,000 local congregations located in every state.

**The National Council of Jewish Women** (“NCJW”) is a grassroots organization of 90,000 volunteers and advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms.

**The New Jersey Regional Coalition** is a faith-based, grassroots organization comprised of groups from throughout New Jersey devoted to working together for the common good in eradicating all forms of segregation and in promoting equality in education, criminal justice, and wherever systemic inequality exists.

**The Office of Restorative Justice** (ORJ) provides pastoral care for offenders, victims, and families of both. We employ education and outreach to effect changes in public policy and to transform the criminal justice system.

**Prison Fellowship Ministries** is a tax-exempt, charitable religious organization that ministers to prisoners, ex-prisoners and their families. Founded in 1976 PFM offers ministry in every state and in over 100 countries.

**The Progressive Jewish Alliance** (“PJA”) is a California-based social justice organization that educates, advocates and organizes on issues of peace, equality, diversity and justice.

**The Queens Federation of Churches, Inc.**, was organized in 1931 and is an ecumenical association of Christian churches located in the Borough of Queens, City of New York.

**Rev. Dwight Lundgren** currently serves as the director of Reconciliation Ministries for National Ministries, American Baptist Churches USA.

**Sister JoAnne Talarico** is a 55-year member of the Roman Catholic Congregation of Humility of Mary (CHM) of Davenport, Iowa and a staunch opponent of juvenile life without parole.



**Trinity United Methodist Church** is a member of the Iowa Annual Conference of the United Methodist Church in good standing. They call for special attention to the rights of children and youth.

**United Methodist Church, General Board of Church and Society** is the presence of The United Methodist Church on Capitol Hill.

# **Amnesty International, et al.**

## *Summary of Brief in Support of Petitioners Sullivan and Graham*

### **Summary**

International law and opinion have informed the law of the United States from the Declaration of Independence forward. This is particularly true with respect to the Eighth Amendment's cruel and unusual punishments clause. Thus, *amici* consider the history of treatment of juveniles under international law and practice with respect to life without parole sentences to be of particular interest to this Court in carrying out its role under U.S. constitutional law.

Every other country in the world has rejected the practice of giving this sentence to offenders who were under 18 at the time they committed a crime. Although a few countries technically permit the sentence, no known persons are actually serving the sentence outside the United States. In order to comply with international law, the few countries in which juveniles reportedly received such sentences either have changed their laws or given assurances that the juvenile offenders can apply for parole. Indeed, this Court referred to the international law regarding the juvenile death penalty in holding that sentence unconstitutional under the Eighth Amendment. Many of the international standards referred to in *Roper* condemn equally the death penalty and life without parole sentences when applied to juveniles. Just as those standards supported the constitutional prohibition of the juvenile death penalty, so too they support the reversal of Mr. Graham and Mr. Sullivan's sentences

### **Interest of Amici**

*Amici* urge the Court to consider international law and opinion when applying the Eighth Amendment's clause prohibiting cruel and unusual punishments. International standards for sentencing juvenile offenders to life in prison without the possibility of parole bears directly on domestic compliance with international legal and societal norms. Those standards also provide an important indicator of evolving standards of decency, which in turn illuminate the contours of acceptable conduct under the Eighth Amendment.

### **Counsel of Record**

**Constance de la Vega**

University of San Francisco School of Law

## **Signatories**

**Amnesty International** is a worldwide human rights movement of more than 2.2 million members and subscribers. It monitors domestic law and practices in countries throughout the world for compliance with international human rights law and standards.

The **Amsterdam Bar Association** is a local Bar Association, which is an autonomous public law body.

The **Bar Human Rights Committee of England and Wales** (BHRC) is the international human rights arm of the Bar of England and Wales. It is an independent body primarily concerned with the protection of the rights of advocates and judges around the world and with defending the rule of law and internationally recognized legal standards relating to the right to a fair trial.

The **Bar of Montreal**, with over 12,500 members, is one of the largest bar associations in the world, as well as being the second largest French-speaking bar association. Its members' expertise covers all aspects of the legal practice, administration and business.

The **Center for Constitutional Rights** (CCR) is a national non-profit legal, educational and advocacy organization dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights.

The **Columbia Law School Human Rights Clinic** bridges theory and practice by providing students with hands-on experience working on active human rights cases and projects. Working in partnership with experienced attorneys and institutions engaged in human rights activism, both in the United States and abroad, students contribute to effecting positive change locally and globally.

The **Hong Kong Bar Association** is the professional organization of Barristers in Hong Kong. The Association is governed by the Bar Council, an executive committee comprising elected and co-opted members representing different standings at the Bar.

**Human Rights Advocates**, a California nonprofit corporation, founded in 1978, with national and international membership, endeavors to advance the cause of human rights to ensure that the most basic rights are afforded to everyone.

The **Law Council of Australia** is the national body representing the Australian legal profession at home and overseas and maintains close relationships with legal professional bodies throughout the world. The Law Council advises governments, courts and federal agencies on ways in which the law and the justice system can be improved for the benefit of the community.

The **Law Society of England and Wales** is the professional body representing more than 138,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world.

The **Law Society of Ireland** is the representative body of Ireland's 12,000 solicitors. The Law Society, through the work of its Human Rights Committee, aims to raise awareness in the profession and the public of human rights, to uphold human rights in the administration of justice, to promote and support international human rights and to promote and support lawyers working for the implementation of international human rights standards.

The **Netherlands Bar Association** is the public law based professional organization of which all 16000 Dutch lawyers (advocates) are compulsory members. The core activity is promoting and overseeing the quality and integrity of the lawyer.

The **New Zealand Law Society** is a professional body which regulates all barristers and solicitors in New Zealand and represents all practitioners who hold practicing certificates as members. The Society has a current membership of over 10,600 practitioners.

The **Advocates for Human Rights** is a nongovernmental, non-profit organization dedicated to the promotion and protection of internationally recognized human rights. Founded in 1983, today The Advocates for Human Rights engages more than 800 active volunteers annually to document human rights abuses, advocate on behalf of individual victims of human rights violations, educate on human rights issues, and provide training and technical assistance to address and prevent human rights violations.

The **Union Internationale des Avocats** (UIA) was created in 1927 by a group of French speaking European lawyers convinced of the need for lawyers to establish international contacts. Today, the UIA is an association open to all lawyers of the world, made up of both general and specialist practitioners, counting more than 200 bar associations, organizations or federations (representing nearly two million lawyers) as well as several thousand individual members from over 110 countries.

# **The Sentencing Project**

## *Summary of Brief in Support of Petitioners Sullivan and Graham*

### **Summary**

The Eighth Amendment is grounded in the “basic precept of justice that punishment for crime should be graduated and proportioned to the offense.” *Roper v. Simmons*, 543 U.S. 551, 560 (2005). Whether a particular penalty comports with this proportionality requirement depends in large part on the culpability of the offender – a factor that has motivated this Court’s rejection of disproportionate penalties in a variety of circumstances. Nowhere is the question of a defendant’s culpability more relevant than in sentences involving juvenile offenders, whom this Court has long recognized are less blameworthy than adults who commit similar crimes. Furthermore, in the context of life without parole, individualized consideration is frequently unavailable or even impossible. Mandatory transfer and mandatory sentencing laws, whose use has expanded dramatically over the past two decades, create a perfect storm for juvenile offenders: They require that juveniles be tried in the adult system and, upon conviction, mandate a sentence of life without parole. Together, these laws deny many juveniles any opportunity to have their age, home environment, history of abuse, and other factors related to their culpability considered at any stage of the proceedings against them. For these reasons, the Eighth Amendment prohibits the imposition of life without parole on juvenile offenders.

### **Interest of Amici**

The Sentencing Project has produced a broad range of scholarship on the sentencing of juveniles to life without parole and related topics, such as the transfer of juveniles into the adult criminal system.

### **Counsel of Record**

**Matthew M. Shors**  
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### **Signatories**

**The Sentencing Project** is a non-profit organization dedicated to promoting rational and effective public policy on issues of crime and justice. Through research, education, and advocacy, the organization analyzes the effects of sentencing and incarceration policies, and promotes cost-effective and humane responses to crime.

# **Center on the Administration of Criminal Law**

## *Summary of Brief in Support of Petitioners Sullivan and Graham*

### **Summary**

The Court has consistently recognized the Eighth Amendment prohibition on disproportionate sentences. Now more than ever, citizens need the protection of the Eighth Amendment. In the past few decades, both major political parties have aggressively sought the label “tough on crime.” The result has been a proliferation of new criminal laws, many of which are written so broadly that they cover cases that were not within the intent of the legislature. Enforcing the Eighth Amendment prohibition against disproportionate sentences would provide needed protection in those cases where laws are inappropriately applied and yield sentences in excess of what is proportionate to the crime committed or to the particular offender’s culpability.

### **Interest of Amici**

*Amici* filed this brief out of concern that the absence of meaningful substantive review of noncapital sentences, the continued proliferation nationwide of excessively harsh and often mandatory sentences, and the fact that virtually all criminal cases are resolved by plea and not by trial have created significant imbalances in the criminal justice system. These imbalances pose barriers to the fair administration of criminal justice. The Center respectfully submits that this Court should hold that sentences imposed in these cases are unconstitutionally excessive and invigorate substantive review of noncapital sentences in order to fulfill the mandate of the Eighth Amendment and restore rationality and proportionality to the criminal justice system.

### **Counsel of Record**

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### **Signatories**

The **Center on the Administration of Criminal Law** is dedicated to defining and promoting the best practices in the administration of criminal justice through academic research, litigation, and participation in the formulation of public policy. The Center aims to use its empirical and experience with criminal justice and prosecution practices to assist in important criminal justice cases.