

IN THE CIRCUIT COURT OF MAYCOMB COUNTY, ALABAMA

STATE OF ALABAMA,

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v.

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Case No. CC-00-0000

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JOE CLIENT.

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**MOTION TO BAR THE DEATH PENALTY BECAUSE  
JOE CLIENT IS A TEENAGER**

Joe Client respectfully moves this Court to prohibit the State from seeking the death penalty in this case because Joe Client is a teenager and his execution would violate the United States Constitution and Alabama law. In support of this motion, Mr. Client submits the following:

1. Mr. Client has been charged with two counts of capital murder. At the time of the alleged crime, Mr. Client was nineteen years old.

2. In Roper v. Simmons, 543 U.S. 551 (2005), the Supreme Court declared that the execution of juveniles who were under eighteen at the time of the crime violated the Eighth Amendment's prohibition against cruel and unusual punishment. In addition to finding that a national consensus had developed against the execution of juveniles, the Court held that "[t]he differences between juvenile and adult offenders are too marked and well understood to risk allowing a youthful person to receive the death penalty despite insufficient culpability." Id. at 572-73. The Court held:

When a juvenile offender commits a heinous crime, the State can exact forfeiture of some of the most basic liberties, but the State cannot extinguish his life and his potential to attain a mature understanding of his own humanity.

Id. at 573-74.

3. Because adolescents and adults are different for the purposes of sentencing, the Court held that life without parole for individuals convicted of nonhomicide offenses when they were under eighteen violates the Eighth Amendment, Graham v. Florida, 560 U.S. 48 (2010), and the Eighth Amendment also bars mandatory life-without-parole sentences for children under eighteen at the time of the offense, Miller v. Alabama, 567 U.S. 460 (2012). See also J.D.B. v. N. Carolina, 564 U.S. 261 (2011) (finding that differences between

children and adults are relevant to custody analysis under Miranda v. Arizona, 384 U.S. 436 (1966)).

4. In these cases, the Court relied on scientific evidence to conclude that three general differences between adolescents and adults demonstrate that juvenile offenders “cannot with reliability be classified among the worst offenders.” Miller, 567 U.S. at 503 (quoting Roper, 543 U.S. at 569). Because post-Roper studies have shown that these differences apply with equal force to teenagers under age twenty, these individuals are similarly ineligible for the death penalty.

5. First, the Court in Roper found that adolescents tend to suffer from a lack of maturity and an “underdeveloped sense of responsibility,” which often result in “impetuous and ill-considered actions and decisions.” Roper, 543 U.S. at 569. Since Roper, numerous studies have shown that the human brain continues to develop into the early twenties.<sup>1</sup> Rapidly improving brain-imaging technologies indicate that regions of the brain responsible for impulse control and rational judgment continue to develop into and through young adulthood.<sup>2</sup> Moreover, areas of the brain associated with foresight and planning continue to mature into one’s mid-twenties.<sup>3</sup> Recognizing that even late teenagers engage in reckless behavior, the State of Alabama has chosen to make the age of majority nineteen, see Ala. Code § 26-1-1, the minimum age for jury service nineteen, Ala. Code § 12-16-60(a)(1),<sup>4</sup> and prohibits the purchase of alcohol by any individual under the age of twenty-one. See Ala. Code § 28-1-5.

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<sup>1</sup> See, e.g., M. Asato et al., White Matter Development in Adolescence, 20 *Cerebral Cortex* 2122, 2128 (2010); Damien Fair et al., Functional Brain Networks Develop from a “Local to Distributed” Organization, 5 *PLOS Computational Biology* 1, 8 (2009); Laurence Steinberg, A social neuroscience perspective on adolescent risk taking, 28 *Developmental Rev.* 78, 94 (2008).

<sup>2</sup> Vincent Schmithorst & Weihong Yuan, White Matter Development During Adolescence as Shown by Diffusion MRI, 72 *Brain & Cognition* 16, 16-19 (2010).

<sup>3</sup> Laurence Steinberg et al., Age Difference in Future Orientation and Delay Discounting, 80 *Child Dev.* 28, 39 (2009).

<sup>4</sup> Other states have similarly recognized the immaturity and poor judgment of teenagers. Nebraska has set the minimum age for jury service at nineteen, and both Mississippi and Missouri have set it at twenty-one. See Neb. Rev. Stat. § 25-1601; Miss. Code Ann. § 13-5-1; Mo. Rev. Stat. § 494.425(1).

6. Second, adolescents in their late teens, like those under eighteen, are more susceptible to negative influences and peer pressure than adults. The Supreme Court has acknowledged that juveniles in general are more susceptible to outside influence than adults. Roper, 543 U.S. at 569; see also Miller, 567 U.S. at 490 (stating that juveniles “are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure”). Moreover, as the Court recognized in Eddings v. Oklahoma, 455 U.S. 104, 115 (1982), “youth is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and to psychological damage.” Studies published since Roper have clarified that “[c]ompared to individuals in their mid to late twenties, adolescents even as old as 18 are more impulsive, less oriented to the future, and *more susceptible to the influence of their peers.*”<sup>5</sup> When performing potentially risky tasks, youths eighteen to twenty-two are 50 percent more likely to engage in risky behavior when acting with peers than when acting alone, whereas adults twenty-four years old and over are not affected by the presence of peers.<sup>6</sup>

7. Finally, the characters of teenagers under twenty, like those of children under eighteen, are not as well formed as those of adults. Roper, 543 U.S. at 570; see also Miller, 567 U.S. at 471. Their traits are “less fixed” and their actions are “less likely to be evidence of irretrievable depravity.” Id. (internal quotations omitted). Because of their innate potential for change and rehabilitation, the Court concluded that it would be “misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor’s character deficiencies will be reformed.” Roper, 543 U.S. at 570; see also Graham, 560 U.S. at 68 (same). Similarly, teenagers over eighteen have not concluded the developmental phase of adolescence and are more likely to change and reform than an adult.

8. The Supreme Court determined that juveniles possess diminished culpability and as such, “it is evident that the penological justifications for the death penalty apply to them with lesser force than to adults.” Roper, 543 U.S. at 571. In the years since Roper, findings regarding the neuroscience of adolescent development demonstrate that, even in young adulthood, important aspects of brain maturation remain incomplete. As a result, the principle of diminished culpability underlying the Court’s decision in Roper applies with equal force to Mr. Client, and renders the death penalty inappropriate in this case.

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<sup>5</sup> Laurence Steinberg, Adolescent Development and Juvenile Justice, 5 *Annu. Rev. Clin. Psychol.* 47, 69 (2009).

<sup>6</sup> Margot Gardner & Laurence Steinberg, Peer Influence on Risk-Taking, Risk Preference, and Risky Decision-Making in Adolescence and Adulthood: An Experimental Study, 41 *Dev. Psychol.* 625, 630-32 (2005).

For these reasons, Mr. Client respectfully moves this Court to:

- (a) provide Mr. Client an opportunity to present evidence in support of this motion; and
- (b) enter an order granting the motion.

Respectfully submitted,

/s/ Linda Lawyer

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[CERTIFICATE OF SERVICE]

**[MOTION UPDATED ON 10/05/17]**