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STATE OF MICHIGAN
IN THE SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

JAMES GREGORY EADS,

Defendant-Appellee.
_____/

Supreme Court No. 168205
Court of Appeals No.: 357332
Wayne CC No.: 92-007359-FC

BRIEF OF AMICI CURIAE JUVENILE LAW CENTER, THE AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN, AND DEBORAH LABELLE

Bonsitu Kitaba-Gaviglio (P78822)
Syeda Davidson (P72801)
American Civil Liberties Union
Fund of Michigan
2966 Woodward Ave.
Detroit, MI 48201
(313) 578-6800
bkitaba@aclumich.org
sdavidson@aclumich.org

Marty Berger, PA Bar #335300*
American Civil Liberties Union
Fund of Michigan
1514 Wealthy Street SE, Ste. 260
Grand Rapids, MI 49506
(616) 301-093
mberger@aclumich.org

Jessica R. Feierman, PA Bar #95114
Andrew R. Keats, NY Bar #5037528
Lia Knox-Hershey, PA Bar #337762
Juvenile Law Center
1800 JFK Blvd., Ste. 1900B
Philadelphia, PA 19103
(215) 625-0551
jfeierman@jlc.org
akeats@jlc.org
lknox-hershey@jlc.org

Steven M. Watt, NY Bar #4383212
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2500
swatt@aclu.org

Deborah A. LaBelle (P31595)
221 N. Main Street
Suite 300
Ann Arbor, MI 48104
(734) 996-5620
deblabelle@aol.com

Counsel for Amici Curiae

**pro hac vice motion forthcoming*

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QUESTIONS PRESENTED

1. Is defendant entitled to relief under *People v Stovall*, 510 Mich 301; 987 NW2d 85 (2022)?

   Appellant's answer: No.

   Appellee's answer: Yes.

   Court of Appeals' answer: Yes.

   Amici's answer: Yes.

2. Is defendant entitled to relief under *People v Boykin*, 510 Mich 171; 987 NW2d 58 (2022)?

   Appellant's answer: No.

   Appellee's answer: Yes.

   Court of Appeals' answer: Yes.

   Amici's answer: Yes.[1]

[1] Amici address only the first question presented but agree that defendant is also entitled to relief under *People v Boykin*, 510 Mich 171; 987 NW2d 58 (2022), for all the reasons given by the Court of Appeals. See *People v Eads*, __ Mich App __; __ NW2d __ (2025) (Docket No. 357332); slip op at 14-15; 2025 WL 223470, at *10-11.

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STATEMENT OF INTEREST OF AMICI CURIAE[2]

Juvenile Law Center fights for rights, dignity, equity, and opportunity for youth. Juvenile Law Center works to reduce the harm of the child welfare and justice systems, limit their reach, and ultimately abolish them so all young people can thrive. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center's legal and policy agenda is informed by—and often conducted in collaboration with—youth, family members, and grassroots partners. Since its founding, Juvenile Law Center has filed influential amicus briefs in state and federal courts across the country to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are consistent with children's unique developmental characteristics and human dignity.

The **American Civil Liberties Union of Michigan** ("ACLU") is the Michigan affiliate of a nationwide, nonpartisan organization with over a million members dedicated to protecting the rights guaranteed by the United States Constitution and our state constitutions. The ACLU has long advocated against lengthy punishments for youth, including through litigation, as amicus curiae, and through public education. See, e.g., *Hill v Snyder*, 900 F3d 260 (CA 6, 2018); *People v Stovall*, 510 Mich 301; 987 NW2d 85 (2022); *People v Taylor*, __ Mich __; __ NW3d __ (2025) (Docket Nos. 166428 and 166654), 2025 WL 1085247; *People v Poole*, __ Mich __; __ NW3d __ (2025) (Docket No. 166813), 2025 WL 978646; ACLU of Michigan, *Second Chances: Juveniles Serving Life Without Parole in Michigan Prisons* (2004), available at <https://bit.ly/45X5mRz>;

[2] Pursuant to MCR 7.312(H)(5), amici state that no counsel for a party authored this brief in whole or in part, no such counsel or a party made a monetary contribution intended to fund the preparation or submission of this brief, and no person other than the amici curiae, its members, or their counsel made any such monetary contribution.

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Deborah LaBelle is a founder and board member of the National Campaign for Fair Sentencing of Youth and a civil rights attorney who has been and is lead counsel on multiple class actions challenging the treatment and punishment of youth in the criminal legal system in Michigan. She has contributed to multiple books and articles addressing human rights and youth justice and represented clients in the United States Supreme Court and before the Inter-American Commission on Human Rights. Her recognition includes numerous awards for outstanding legal advocacy on behalf of defendants, youth, and communities.

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SUMMARY OF THE ARGUMENT

Science tells us that adolescents' brains do not fully mature until they are in their twenties. During this period of development, adolescents are prone to impulsive, risky, and reward-seeking behavior, particularly in stressful and emotionally charged situations, and particularly in the presence of peers. For these reasons, this Court has repeatedly concluded that it is cruel or unusual to punish them without accounting for their developmental status and reduced culpability. Most relevant here, this Court has held that—for all offenses except first-degree murder—parolable life sentences are fundamentally incompatible with the special characteristics of youth.

So is the sentence that the trial court imposed on James Gregory Eads for actions he took when he was only 16 years old. After convicting Mr. Eads of second-degree murder and felony-firearm possession, the court sentenced him to 50 to 75 years in prison and a two-year term to be served consecutively—making him ineligible to be considered for release on parole until well past his life expectancy. For four reasons, such lengthy imprisonment for second-degree murder and any lesser offense constitutes cruel or unusual punishment under the Michigan Constitution. First, due to his youth, Mr. Eads had reduced culpability and a unique capacity for change. He was more susceptible to engaging in risky and impulsive behavior, particularly in high-pressure and emotionally charged situations. Second, extremely lengthy prison terms like this one have become incredibly rare across Michigan, making them highly unusual. And, because these lengthy sentences are imposed almost exclusively on youth of color, they are unduly cruel. Third, lengthy sentences for adolescents are out of step with the practices of other states and in stark contrast to other nations' sentencing laws. Fourth and finally, incarcerating young people for the rest of their lives does not serve Michigan's special sentencing goal of promoting rehabilitation.

The Court of Appeals correctly reasoned that lengthy imprisonment for adolescents turns science and law on their heads. This Court should affirm.

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BACKGROUND

I. Factual Background

Mr. Eads was sentenced for second-degree murder and felony-firearm possession in 1992, when racialized fears of young men perpetrating violent and serial crimes had reached a fever pitch. See *infra* at 18; MCL 750.317; MCL 750.227b; *People v Eads*, __ Mich App __; __ NW3d __ (2025) (Docket No. 357332); slip op at 1; 2025 WL 223470, at *1. Mr. Eads committed both offenses when he was 16. *Eads*, __ Mich App at __; slip op at 2; 2025 WL 223470, at *1. Under the sentencing guidelines, the minimum recommended punishment for his second-degree murder charge was 144 to 300 months' (12 to 25 years) custody, or life imprisonment. *Id.* at __; slip op at 2; 2025 WL 223470, at *2.

At the sentencing hearing, the victim's mother asked the trial court to incarcerate Mr. Eads "until he's too old to reach society again." *Id.* For his part, Mr. Eads presented mitigating evidence about his mental health and upbringing, including a letter from a psychologist who had evaluated him. *Id.* That evidence indicated that he lost his father at age 11, and in the years that followed, he experienced "depression, used alcohol and marijuana on a daily basis, and was chronically subjected to neglect, poverty, homelessness, and gang involvement." *Id.* at __; slip op at 3 n 5; 2025 WL 223470, at *2 n 5.

The trial court twice clarified that if it imposed a life sentence, Mr. Eads "would be eligible for parole in ten years." *Id.* at __; slip op at 2; 2025 WL 223470, at *2. Instead, the court imposed a sentence that was roughly three times the minimum guidelines sentence—600 to 900 months' imprisonment (50 to 75 years) and a consecutive two-year prison term for felony-firearm. *Id.* at __; slip op at 3; 2025 WL 223470, at *2. According to the court, Mr. Eads needed to remain incarcerated for "a long period of time under close supervision to develop the discipline and skills and self restraint that's needed in a civilized society." *Id.* at __; slip op at 4; 2025 WL 223470, at

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*3. Noting that Mr. Eads's "life expectancy really now is 53.11 years," the court reasoned: "I really think he should not be out until he reaches about 50 years of age, and that would be the proper age for him to [be released] if he's demonstrated he can survive and behave in a structured discipline." *Id.* The trial court thus devised the sentence based on its resolve to incarcerate Mr. Eads until he had, at most, three years left to live.

Mr. Eads's sentence, however, will see him incarcerated well into his late 50s and beyond. Mr. Eads received a 52-year minimum sentence between the two consecutive prison terms, and he was already 17 at the time of sentencing. *Id.* at __; slip op at 2; 2025 WL 223470, at *2. After accounting for potential good-time credits, Mr. Eads will need "to serve slightly more than 40 years' imprisonment before even conceivably becoming eligible for parole for the first time—years past the court's own estimate of his life expectancy and (as the court made clear it knew full well) decades past when he would have first become eligible for parole had the court opted to impose a life sentence instead." *Id.* at __; slip op at 10-11 n 18; 2025 WL 223470, at *8 n 18.

II. Legal Background

In the decades since Mr. Eads's sentencing, there has been a sea change in the way the criminal legal system treats young people. At the federal level, a trio of groundbreaking U.S. Supreme Court cases paved the way. First, in *Roper v Simmons*, 543 US 551; 125 S Ct 1183; 161 L Ed 2d 1 (2005), the U.S. Supreme Court held that the Eighth Amendment's ban on cruel and unusual punishment prohibits imposing the death penalty for offenses committed by minors. Next, in *Graham v Florida*, 560 US 48; 130 S Ct 2011; 176 L Ed 2d 825 (2010), the Court struck down sentences of life without the possibility of parole as unconstitutional for those convicted of non-homicide offenses they committed before the age of 18. Finally, in *Miller v Alabama*, 567 US 460; 132 S Ct 2455; 183 L Ed 2d 407 (2012), the Court held unconstitutional any statutory scheme mandating a life-without-parole sentence for an offense committed by a minor. These cases

established a foundation that youth "are constitutionally different from adults for purposes of sentencing." *Id.* at 471. Drawing on the consensus of scientific and sociological research, the Court recognized that, with respect to their criminal behavior, young people have a "lack of maturity and an underdeveloped sense of responsibility," *Roper*, 543 US at 569 (quotation omitted), and that, compared to adults, "their characters are not as well formed," *Graham*, 560 US at 68 (cleaned up).

Youth enjoy even broader constitutional protections under Article 1, § 16 of the Michigan Constitution. This Court has noted three reasons "to interpret our state constitutional provision more broadly . . . than the United States Supreme Court [has] interpreted the Eighth Amendment." *People v Bullock*, 440 Mich 15, 30; 485 NW2d 866 (1992).

First, the text of the two constitutional provisions differs. The relevant provision of the Eighth Amendment prohibits "cruel *and* unusual punishments," US Const, Am VIII (emphasis added), whereas the Michigan Constitution prohibits "cruel *or* unusual punishment," Const 1963, art 1, § 16 (emphasis added). The disjunctive "or" is necessarily broader than the conjunctive "and," which "does not appear to be accidental or inadvertent" and prohibits punishments that are "unusual but not necessarily cruel" and vice-versa, *Bullock*, 440 Mich at 30-31 & nn 11, 13. The disjunctive language implies a broader and more protective meaning than the federal Eighth Amendment proscription against cruel *and* unusual punishments. *Id.* at 31.

Second, the two provisions have different historical backgrounds and origins. The Eighth Amendment's prohibition on "cruel *and* unusual punishments" can be traced to the English Declaration of Rights of 1689. See *Harmelin v Michigan*, 501 US 957, 966; 111 S Ct 2680; 115 L Ed 2d 836 (1991) (opinion of Scalia, J.). By contrast, in Michigan, "[t]he history of constitutional language banning 'cruel *or* unusual punishment,' as distinguished from 'cruel *and* unusual punishment,' can be traced back to the Northwest Ordinance [of] 1787." *People v Lorentzen*, 387

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Mich 167, 172 n 3; 194 NW2d 827 (1972). Additionally, when the current version of the Michigan Constitution was adopted, "the words 'cruel' and 'unusual' had been understood for more than half a century to include a prohibition on grossly disproportionate sentences, indicating that the framers and adopters of the 1963 Constitution had intended a broader view of the state constitutional protection." *People v Parks*, 510 Mich 225, 242; 987 NW2d 161 (2022) (cleaned up).

Third, "longstanding Michigan precedent" supports interpreting Article 1, § 16 of the Michigan Constitution more broadly than the Eighth Amendment. *Bullock*, 440 Mich at 33 (capitalization altered). As early as 1972, this Court began to formulate a different framework of analysis under Article 1, § 16, than that which would develop under the Eighth Amendment. See *Lorentzen*, 387 Mich at 176-181. That framework would eventually evolve into the now-familiar four-factor test for assessing whether punishment is cruel or unusual:

> (1) the severity of the sentence imposed compared to the gravity of the offense, (2) the penalty imposed for the offense compared to penalties imposed on other offenders in Michigan, (3) the penalty imposed for the offense in Michigan compared to the penalty imposed for the same offense in other states, and (4) whether the penalty imposed advances the penological goal of rehabilitation. [*People v Stovall*, 510 Mich 301, 314; 987 NW2d 85 (2022).]

In several cases now, this Court has applied those factors and declared punishments on youth unconstitutional under Article 1, § 16 of the Michigan Constitution that would not necessarily offend the Eighth Amendment. See, e.g., *Parks*, 510 Mich at 244 (striking down mandatory life-without-parole sentences for 18-year-olds); *People v Taylor*, __ Mich __; __ NW3d __ (2025) (Docket Nos. 166428 and 166654); slip op at 13; 2025 WL 1085247, at *6 (extending *Parks* to 19- and 20-year-olds).

Most relevant here is *People v Stovall*, 510 Mich 301; 987 NW2d 85 (2022), which held that imprisonment for life *with* the possibility of parole was unconstitutionally punitive when

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imposed on youth charged with second-degree murder. Regarding the first two factors, the Court reiterated that a life sentence "is particularly severe when imposed on a juvenile, given the important mitigating ways that children are different from adults." *Id.* at 314-315. Under the third factor, the Court found that in surveying the practices of other states, "there is a clear national trend toward treating juveniles less harshly than adults and extending *Miller* beyond just the mandatory [life-without-parole] context." *Id.* at 318. And finally, under the fourth factor, the Court determined that, as a practical matter, a parolable life sentence did not sufficiently advance the state's goal of rehabilitation, because "for juvenile offenders the question is whether that parolable life sentence provides a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation." *Id.* at 320 (quotation omitted). Noting that the state's parole board has complete discretion whether to grant release, the Court held that "parolable life does not necessarily further the sentencing goal of rehabilitation." *Id.* at 321.

In striking down parolable life sentences for youth, the Court in *Stovall* declined to address "whether a long term-of-years sentence imposed on a juvenile" would be unconstitutional for similar reasons. *Id.* at 314 n 3. The Court must now resolve that question.

ARGUMENT

To determine whether a sentence is cruel or unusual in violation of Article 1, § 16 of the Michigan Constitution, this Court considers (1) the severity of the sentence and the gravity of the offense, (2) other penalties imposed under Michigan law, (3) penalties imposed for the same offense in other states, and (4) whether the penalty promotes rehabilitation. See *Stovall*, 510 Mich at 314. Applying those factors in *Stovall*, this Court held that parolable life sentences for youth convicted of second-degree murder are not "on the table." *Id.* at 316. This Court should do the same for lengthy term-of-years sentences that are arguably even harsher.

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I. First Factor: Excessively Long Imprisonment Is an Unacceptably Severe Punishment to Impose on Adolescents.

In examining the first factor—the severity of the sentence compared to the gravity of the offense—this Court in *Stovall* recognized that lifelong punishment "is particularly severe when imposed on a juvenile, given the important mitigating ways that children are different from adults." *Stovall*, 510 Mich at 314-315. The punishment here is even more severe than the parolable life sentence in *Stovall*. If punished with a parolable life sentence, Mr. Eads would have "be[en] eligible for parole in ten years," *Eads*, __ Mich App __; slip op at 2; 2025 WL 223470, at *2, but under his term-of-years sentence, he will be ineligible for release on parole until "years past the [trial] court's own estimate of his life expectancy," *id.* at __; slip op at 10-11 n 18; 2025 WL 223470, at *8 n 18.

The 52-year minimum sentence the trial court imposed on Mr. Eads was, at its core, a life sentence. The average life expectancy for Michigan youth serving life sentences is only 50.8 years, meaning that Mr. Eads is likely to die in prison before he is first considered for release on parole. *Michigan Life Expectancy Data for Youth Serving Natural Life Sentences* 3, available at <https://perma.cc/2GXM-TKGB> [hereinafter *Michigan Life Expectancy Data*]. The United States Sentencing Commission defines a *de facto* life sentence as a punishment that exceeds 470 months (or 39 years and two months), more than a decade less than Mr. Eads's minimum prison term. Schmitt & Konfrst, US Sentencing Comm, *Life Sentences in the Federal System* 10 (2015). But even that definition is too extreme, as individuals incarcerated as youth have shorter life expectancies than the average federal prisoner, and federal life sentences are rare. *Michigan Life Expectancy Data* at 1-3; *Life Sentences in the Federal System* at 1. Adolescents spend more years in prison than adults punished with the same sentence—and for every year incarcerated, an individual can expect to lose two years off their life expectancy. Patterson, *The Dose-Response of*

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Time Served in Prison on Mortality: New York State, 1989-2003, 103 Am J Pub Health 523, 526-527 (2013). Additionally, they are five times likelier to be victims of sexual and physical assaults, which have been recognized as contributing factors for decreased life expectancy in prison. *Michigan Life Expectancy Data* at 3 n 5, citing Gibbons & Katzenbach, *Confronting Confinement: A Report of the Commission on Safety and Abuse in America's Prisons*, 22 Wash Univ J L & Pol'y 385 (2006), available at <https://perma.cc/64EF-FM2M>. Because the trial court condemned Mr. Eads to die in prison, his punishment is essentially life *without* the possibility of parole, a sentence "akin to the death penalty." *Miller*, 567 US at 475; see also *Graham*, 560 US at 69; *Parks*, 510 Mich at 257.

This Court has recognized that "the unique characteristics of [adolescents'] brains" make lifelong punishment "even more severe." *Parks*, 510 Mich at 258. Adolescents' brains "transform as they age, allowing them to reform into persons who are more likely to be capable of making more thoughtful and rational decisions." *Id.*; see also *Bonilla v Iowa Bd of Parole*, 930 NW2d 751, 772 (Iowa, 2019) (emphasizing that adolescents' "character formation" is not "complete"). As this Court has observed, "[t]he key characteristic of the adolescent brain is exceptional neuroplasticity" and "the attendant characteristic of the[] capacity for rehabilitation." *Parks*, 510 Mich at 246, 250; see generally Kays, Hurley, & Taber, *The Dynamic Brain: Neuroplasticity and Mental Health*, 24 J Clinical Neuropsychiatry & Clinical Neurosci 118 (2012); Thomas & Johnson, *New Advances in Understanding Sensitive Periods in Brain Development*, 17 Current Directions in Psych Sci 1 (2008). Because adolescents' character undergoes significant development while their brains "essentially rewire themselves," subjecting them to lifelong punishment at such a young age "is beyond severity—it is cruelty." *Parks*, 510 Mich at 258.

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As this Court has further explained, adolescents tend to demonstrate greater "impulsivity, recklessness, and risk-taking" than adults because "the prefrontal cortex—the last region of the brain to develop, and the region responsible for risk-weighing and understanding consequences—is not fully developed until age 25." *Id.* at 250-251. The developmental differences between adolescents and adults emerge most prominently when adolescents find themselves in high-pressure situations. While by mid-adolescence young people's abilities to reason logically, understand risks and benefits, and process information in calm, structured settings are comparable to those of adults,[3] the opposite is true in emotionally charged contexts. In these "hot cognition" contexts, adolescents "are likely less capable than adults are in *using* these capacities" because of relative inexperience and less efficient information processing. See Scott & Steinberg, *Adolescent Development and the Regulation of Youth Crime*, 18 Future Child 15, 20-21 (2008) (emphasis in original); Crone & Dahl, *Understanding Adolescence as a Period of Social-Affective Engagement and Goal Flexibility*, 13 Nat Rev Neurosci 636, 645 (2012). In high-arousal settings, adolescents are less likely to anticipate long-term consequences or to assign them controlling weight, particularly when short-term rewards are salient. *Understanding Adolescence*, 13 Nat Rev Neurosci at 640-641; Steinberg & Icenogle, *Using Developmental Science to Distinguish Between Adolescents and Adults Under the Law*, 1 Ann Rev Dev Psychol 21, 29 (2019). Scientists understand this as evidence of a "maturity gap" in which neural systems supporting cognitive capacity mature earlier than those governing emotional regulation and impulse control. See

[3] See Icenogle et al, *Adolescents' Cognitive Capacity Reaches Adult Levels Prior to Their Psychosocial Maturity: Evidence for a "Maturity Gap" in a Multinational, Cross-Sectional Sample*, 43 L & Hum Behav 69, 71-72 (2019); Scott & Steinberg, *Adolescent Development and the Regulation of Youth Crime*, 18 Future Child 15, 20 (2008); Cohen et al, *When Is an Adolescent an Adult? Assessing Cognitive Control in Emotional and Nonemotional Contexts*, 27 Psych Sci 549, 559 (2016).

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Steinberg, *A Social Neurosci Perspective on Adolescent Risk-Taking*, PubMed Central (2008), p 17-18, available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC2396566/pdf/nihms33852.pdf>; Icenogle et al, *Adolescents' Cognitive Capacity Reaches Adult Levels Prior to Their Psychosocial Maturity: Evidence for a "Maturity Gap" in a Multinational, Cross-Sectional Sample*, 43 L & Hum Behav 69, 71 (2019).

This research suggests that while adolescents may be more prone to risky and impulsive behavior in their youth, they are also likely to discontinue such behavior in their mid to late twenties as impulse control and emotional regulation catch up with cognitive capacity. Indeed, this is confirmed by the "age-crime curve"—a century of arrest data that clearly demonstrates that "[t]he prevalence of offending . . . tends to increase from late childhood, peaks in the teenage years (around ages 15-19), and then declines in the early 20s." See Loeber, Farrington, & Petechuk, *Bulletin 1: From Juvenile Delinquency to Young Adult Offending* 3 (2013), available at <https://www.ojp.gov/pdffiles1/nij/grants/242931.pdf>; Kazemian, Nat'l Inst Just, *Pathways to Desistance from Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice* 3 (2021), available at <https://www.ojp.gov/pdffiles1/nij/301503.pdf>.

At the age of 16, however, Mr. Eads was nearly a decade shy of developing the maturity to handle high-pressure, emotionally charged situations with the same foresight and impulse control as an adult. He should not face lifelong imprisonment for crimes he committed when he was "biologically incapable of full culpability." *Parks*, 510 Mich at 259.

II. <u>Second Factor</u>: A Term-of-Years Sentence as High as Mr. Eads's Has Become Unusual in Michigan and Is Disproportionate to Other Offenders and Offenses.

The second factor—the punishment imposed for the offense compared to penalties imposed on other offenders in Michigan—also weighs in Mr. Eads's favor.

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A. A Half-Century Minimum Prison Term Is More Severe Than Sentences Imposed for First-Degree Murder.

As in *Stovall*, Mr. Eads's punishment is "*more* severe than the minimum sentences now given to most juveniles who commit *first-degree* murder," which is "the most serious offense a juvenile can commit." *Stovall*, 510 Mich at 316 (emphases in original). The 50 to 75 years' custodial sentence that the trial court imposed is nearly *double* the 25 to 40-year minimum sentence for first-degree murder. See MCL 769.25 and MCL 769.25a.

Additionally, as in *Stovall*, "[c]omparing the maximum penalty that the Legislature allows to be imposed against a juvenile convicted of first-degree murder to the maximum penalty it allows to be imposed against a juvenile convicted of second-degree murder is . . . instructive." *Id.* at 317. Under MCL 769.25 and MCL 769.25a, youth convicted of first-degree murder cannot be sentenced to life without parole unless "(1) the prosecution timely mov[es] the trial court to sentence a juvenile convicted of first-degree murder to [life without parole]; (2) the trial court conduct[s] a hearing focused on the *Miller* factors; and (3) the trial court determine[s] that the particular offender deserves [life without parole]." *Stovall*, 510 Mich at 317. Without those "significant procedural safeguard[s]," "the maximum release date for a juvenile convicted of first-degree murder is typically 60 years." *Id.* at 316. Here, Mr. Eads's maximum release date is 75 years—a punishment that Michigan law does not allow for youth convicted of first-degree murder without extensive protections that Mr. Eads was not afforded.

B. Such Lengthy and Racially Disparate Sentences Are Both Highly Unusual and Cruel.

Minimum prison terms as lengthy as Mr. Eads's are exceptionally unusual across Michigan. There are 1,037 individuals statewide serving sentences for second-degree homicide crimes that they committed before the age of 21; including Mr. Eads, only 50 of them (4.8%) are serving minimum sentences of more than 50 years. Michigan Department of Corrections, *Offender*

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Tracking Information System Data (current through January 6, 2026) (on file with authors) [hereinafter *MDOC Data*].

These rare and highly punitive sentences are almost exclusively imposed on youth of color, further underscoring their disproportionality and their cruelty. 74% of the 50 individuals serving minimum sentences of 50 years for offenses they committed as youth are people of color. See *id.* There are only 15 individuals serving minimum sentences of 65 or more years for offenses they committed as youth, and *all* of them are people of color. See *id.*

One reason for these racial inequities is "adultification bias," or "the tendency of society to view Black children as older than similarly aged youths." *In re Personal Restraint of Miller*, 21 Wash App 2d 257, 265; 505 P3d 585 (2022). Adultification bias "is well-established by empirical literature," *id.*, and it "effectively reduces or removes the consideration of childhood as a mediating factor," Epstein, Blake, & González, *Girlhood Interrupted: The Erasure of Black Girls' Childhood* 2 (2017), available at <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/06/girlhood-interrupted.pdf>. When "compared to their [w]hite peers, Black, Native, and Latinx children and youth are" not only "perceived as older than their actual age" but also "more adult-like, less innocent, more deviant, not deserving of leniency to make mistakes, and less in need of nurturing, protection, comfort, and support." Nat'l Council of Juv & Family Court Judges et al, *Shifting the Perceptions and Treatment of Black, Native and Latinx Youth Involved in Systems of Care* 6, available at <https://files.eric.ed.gov/fulltext/ED617199.pdf> (accessed February 9, 2026); see also Am Psych Ass'n, *Black Boys Viewed as Older, Less Innocent than Whites, Research Finds*, available at <https://www.apa.org/news/press/releases/2014/03/black-boys-older> (accessed November 19, 2025).

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In the most comprehensive study on adultification bias completed to date, researchers demonstrated that adults perceive Black youth to be more adult, less innocent, more culpable, and less in need of protection than their white counterparts. Goff et al, *The Essence of Innocence: Consequences of Dehumanizing Black Children*, 106 J Personality & Soc Psych 526, 539-541 (2014). The hundreds of participants in the study, who represented a broad cross-section of society, consistently perceived Black children over the age of 10 as less innocent than their peers. *Id.* Black children who were felony suspects were seen as more than 4.5 years older than they were, which is especially significant at such a young age. See *id.* at 532. As one of the co-authors explained, "[w]ith the average age estimation for black boys exceeding four-and-a-half years, in some cases, black children may be viewed as adults when they are just 13 years old." *Black Boys Viewed as Older*, *supra*.

Although the study of adultification bias is new, the biases themselves are deeply rooted in our history. As courts have recognized, the "historical fiction" that Black and brown children are "not actually 'children' meriting societal protection" is "one of the roots" of racially disparate treatment of juveniles in the justice system. *State v Belcher*, 342 Conn 1, 19; 268 A3d 616 (2022) (cleaned up); accord *Miller*, 21 Wash App 2d at 265. Indeed, "throughout the history of our country, our policies have reflected that only some children—white ones—have deserved societal protection." *Belcher*, 342 Conn at 17 (citing Nunn, *The Child as Other: Race and Differential Treatment in the Juvenile Justice System*, 51 DePaul L Rev 679, 679-682 (2002)). From our country's early days, when "adolescence was being recognized as a distinct developmental stage for white children, many Black children remained enslaved and were viewed as subhuman." *Id*. at 19. Reduced to the legal status of property, Black children were bought and sold as chattel and routinely separated from their parents. "The nascent concept of adolescence, therefore, did not

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apply to them." *Id*. A meta-analysis of convictions of children over the nineteenth century similarly concluded that "the criminal law recognized that children under 14 years old were not to be held as responsible for their actions as adults." Platt, *The Child Savers: The Invention of Delinquency* (New Brunswick: Rutgers University Press, 40th anniversary ed., 2009), p 262; *accord* Shelden, *Delinquency and Juvenile Justice in American Society* (Long Grove: Waveland Press, 2006), p 19 (quoting Platt's study to assert that "criminal law recognized at that time that some children under 14, particularly children of color, were held as responsible for their actions as adults"). As another scholar explained, since the meta-analysis examined cases that featured discussions of young children, "they provide an opportunity to examine whether youth as a mitigating factor held equal force for black and white juveniles accused of serious crimes." Sterling, *'Children are Different': Implicit Bias, Rehabilitation, and the 'New' Juvenile Jurisprudence*, 46 Loy LA L Rev 1019, 1044 (2013). Yet Black children apparently were not granted the same immunities as white children. In fact, Black children were routinely sentenced to incarceration—even execution—due to "a lack of confidence in their rehabilitative potential." Birckhead, *The Racialization of Juvenile Justice and the Role of the Defense Attorney*, 58 BCL Rev 379, 395-396, 398 (2017). In one representative case involving a child "under fourteen years of age," the Alabama Supreme Court held that although such a young child is "presumed not to have such knowledge and discretion, as would make him accountable for the felony committed," this young child was "a negro and a slave [and] he knew fully the nature of the act done, and its consequences." *Godfrey v State*, 31 Ala 323, 327 (1858). And the Supreme Court of New Jersey affirmed the conviction of a 12-year-old Black child who was found to be criminally responsible—despite the presumption against such a finding—because he was "cunning" like an adult and possessed "mischievous discretion." *State v Guild*, 10 NJL 163, 167, 189 (1828).

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In the 1980s and 1990s, these racial stereotypes culminated in the "superpredator" myth, propagated by academics and the media, that there was "a new and vicious breed of youths who would kill, rape, maim, and steal without remorse." *Children Are Different*, 46 Loy LA L Rev at 1057 (cleaned up). Superpredators, the myth went, "were more likely to be African American" given the alleged "moral poverty" of their upbringings. *Id.* This myth provided a new outlet for fear and animus toward young people of color and fueled the passage of "tough on crime" policies, such as automatic transfers to adult court, mandatory minimum sentences, and life without parole for youth.[4] The result was a new and harsher sentencing regime across the country, including in Michigan, that disproportionately funneled Black and brown youth into the adult prison system and created lasting racial disparities in sentencing.[5]

Racially discriminatory sentencing policies and laws were especially pernicious in Michigan. In 1988, Michigan legislators created automatic waiver provisions that required 15- and 16-year-olds to be tried as adults for certain serious offenses if the prosecutor filed charges in adult court, replacing a prior regime in which judges were required to consider "the seriousness of the offense, the youth's maturity and life experiences, prior juvenile record, amenability to treatment in a youth facility, as well as public safety and welfare" before permitting a child to be tried in

[4] Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016), p 243; see also Forman & Vinson, *The Superpredator Myth Did a Lot of Damage. Courts Are Beginning to See the Light*, New York Times (April 20, 2022), available at <https://www.nytimes.com/2022/04/20/opinion/sunday/prison-sentencing-parole-justice.html>.

[5] *Essence of Innocence*, 106 J Personality & Soc Psych at 526-529, 539-541; Campaign for the Fair Sentencing of Youth, *The Origins of the Superpredator* (May 2021), available at <https://cfsy.org/wp-content/uploads/Superpredator-Origins-CFSY.pdf> ("[The] superpredator narrative is often called out as the impetus for our nation's harmful sentencing policies for Black children."); *The Superpredator Myth Did a Lot of Damage*, *supra*.

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adult court.[6] Legislators stated on the record that the 1988 legislation was necessary to respond to the threat of youth violence in Wayne County, the county with the highest Black and brown population in Michigan at the time. MCL 600.606; MCL 712A.2(a)(1); House Legislative Analysis, HB 4037 Juvenile Justice Reform Package, Senate Bills 281 et al, Second Analysis (July 22, 1996), pp 2, 13.

Michigan expanded this automatic waiver provision in 1996 to include 14-year-old children and mandated adult sentencing for children tried and convicted as adults for certain serious offenses such as first-degree murder. Juvenile Justice Reform Package at 13. Supporters pointed to a "widespread public perception that there exists a growing population of juvenile offenders who are without remorse or compassion and pose an increasing threat to average citizens." *Id.* at 2. The then-chair of the Senate Judiciary Committee stated that the expanded law was "designed to give the system the tools to deal with these remorseless renegades."[7] He further commented that youthful offenders were "violent animals" and "much more cold-blooded, much

[6] LaBelle & Addis, *Basic Decency: Protecting the Human Rights of Children: An Examination of Natural Life Sentence for Michigan Children* (2012), p 4, available at <https://youthtoday.org/wp-content/uploads/sites/13/hotdocs/BasicDecencyReport2012.pdf>; Shook & Sarri, *Trends in the Commitment of Juveniles to Adult Prisons: Toward and Increased Willingness to Treat Juveniles as Adults?*, 54 Wayne L Rev 1725, 1737 (2008).

[7] SBT, *Juvenile Justice Reform Passes Senate with Few Amendments*, Capital Capsule (Mich Info & Research Serv Inc) (December 7, 1995), p 2.

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more conscienceless than adults."[8] Driven by racist tropes and ongoing moral panic, "lawmakers in Michigan adopted one of the toughest juvenile justice laws in the nation."[9]

These punitive laws had a racially discriminatory impact. A study of automatic waivers in Michigan following passage of the 1988 legislation found that Black children were disproportionately likely to be waived into adult court, comprising 84% of the teenage population being tried as legal adults.[10]

Michigan remains burdened by the harmful consequences of racist "tough on crime" laws. The reality now is that lengthy imprisonment is an unusual punishment for all adolescents except Black and brown adolescents whose youth courts have disregarded.

III. Third Factor: Such Lengthy Punishment for Adolescents Is Now Highly Unusual, as It Is Rarely Imposed in the Vast Majority of States, and Is Banned Internationally.

The third factor—the penalty imposed for the offense in Michigan compared to the penalty imposed for the same offense in other jurisdictions—weighs strongly in favor of finding lengthy term-of-years imprisonment for adolescents unconstitutional. There is a clear national trend of state supreme courts finding that sentences like Mr. Eads's constitute *de facto* life without parole and require a *Miller* hearing. In addition, many states now mandate youth be eligible for parole after serving far less than 50 years of their sentence, and many have set maximum sentences for

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[8] Flesher, *Years of Family Trauma End with Killing, Relatives Say*, Argus Press (August 3, 1997), A7; Cohen, *Michigan Boy Who Killed at Age 11 Will Stand Trial as Adult*, St. Louis Post- Dispatch (September 19, 1999), A5.

[9] Bradsher, *Murder Trial of 13-Year-Old Puts Focus on Michigan Law,* New York Times (October 13, 1999); Bradsher, *Michigan Boy Who Killed at 11 is Convicted of Murder as Adult*, New York Times (November 17, 1999).

[10] See Burrow, *Punishing Serious Juvenile Offenders: A Case Study of Michigan's Prosecutorial Waiver Statute*, 9 UC Davis J Juv L & Pol'y 1, 41-43, 53 (2005).

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second-degree murder well below 50 years. Mr. Eads's sentence is even more disproportionate when compared to sentencing practices in the rest of the world.

A. State Courts and Legislatures Are Increasingly Rejecting Lengthy Term-of-Years Sentences for Youth.

This Court looks at the sentences imposed in other jurisdictions in determining whether a punishment is cruel or unusual under Article 1, § 16. *Parks*, 510 Mich at 255. A growing number of state supreme courts have held that lengthy term-of-years sentences like Mr. Eads's constitute life without parole under both the Eighth Amendment and/or their state constitutions. See, e.g., *State v Pearson*, 836 NW2d 88, 89, 97 (Iowa, 2013) (holding 35-year minimum sentence for non-homicide offenses is unconstitutional under the state constitution requiring a *Miller* hearing)[11]; *People v Buffer*, 2019 IL 122327, ¶ 40; 137 NE 3d 763 (2019) (holding a sentence greater than 40 years constitutes *de facto* life without parole under the Eighth Amendment and remanding for a *Miller* hearing); *Bear Cloud v State*, 334 P3d 132, 136, 141-142; 2014 WY 113 (2014) (holding petitioner's aggregate sentence requiring just over 45 years to be served prior to parole eligibility "result[s] in the functional equivalent of life without parole")[12]; *State v Haag*, 198 Wash 2d 309, 313, 328-330; 495 P3d 241 (2021) (holding a 46-year minimum sentence, following a *Miller* hearing and pursuant to a *Miller*-fix statute, is still unconstitutional *de facto* life under both state and federal constitutions); *State ex rel Carr v Wallace*, 527 SW3d 55, 56-57 (Mo, 2017) (holding that a 50-year minimum for capital murder imposed without the jury having any opportunity to

[11] See also *State v Null*, 836 NW2d 41, 45, 72 (Iowa, 2013) (holding a sentence requiring 52.5 years' incarceration prior to parole eligibility for a youth is unconstitutional and requires a *Miller* hearing).

[12] See also *Sam v State*, 401 P3d 834, 842, 862; 2017 WY 98 (2017) (holding consecutive sentences requiring a minimum of 52 years' incarceration, with parole eligibility at 70 years old is a *de facto* life sentence).

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consider the mitigating and attendant circumstances of 16-year-old defendant's youth, violates the Eighth Amendment); *Carter v State*, 461 Md 295, 365; 192 A3d 695 (2018) (holding 50 years before parole eligibility with max 100-year term for a juvenile defendant is an unconstitutional life without parole sentence under the Eighth Amendment); *Casiano v Comm'r of Correction*, 317 Conn 52, 78-79; 115 A3d 1031 (2015) (holding a 50-year sentence for a youth is a *de facto* life without parole sentence and requires a *Miller* hearing); *White v Premo*, 365 Or 1, 3, 15; 443 P3d 597 (2019) (holding a 54-year sentence is unconstitutional life without parole for 15-year-old double-homicide offender where sentencing court did not find defendant was a rare irreparably corrupt youth under *Miller*, and stating: "We know of no state high court that has held that a sentence in excess of 50 years for a single homicide provides a juvenile with a meaningful opportunity for release."); *State v Zuber*, 227 NJ 422, 428-432; 152 A3d 197 (2017) (holding a 55-year aggregate sentence on multiple counts, including felony murder, with a 55-year minimum prior to parole eligibility is the equivalent of life without parole under both state and federal constitutions requiring a *Miller* hearing)[13]; *People v Contreras*, 4 Cal 5th 349, 356; 411 P3d 445 (2018) (holding a 50-year minimum sentence for a 16-year-old convicted of nonhomicide kidnapping/sex offenses is the functional equivalent of life without parole and violates *Graham*).

Similarly, a growing number of state legislatures have enacted laws aimed at reducing or abolishing lengthy sentences for young people like Mr. Eads. See, e.g., Ala Code 15-22-28(e)(2) (all persons convicted of murder or other enumerated Class A felonies are eligible for parole after completing 85 percent of sentence or 15 years, whichever is less); Ark Code Ann 16-93-621 (youth are eligible for parole after serving 20-30 years); Cal Penal Code 3051(b) (youth who committed

[13] See also *State v Comer*, 249 NJ 359, 401-402; 266 A3d 374 (2022) (holding under the New Jersey Constitution youth may petition the court to review their sentence after serving 20 years).

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an offense before age 26 are eligible for parole after serving 15, 20, or 25 years); Conn Gen Stat 54-125a(f) (youth sentenced to 50 years or less are eligible for parole after serving 60 percent of the sentence or 12 years, whichever is greater, and youth sentenced to more than 50 years are eligible for parole after serving 30 years); 730 Il Comp Stat 5/5-4.5-115(b) (with limited exceptions, youth under 21 at the time of committing an offense other than first-degree murder are eligible for parole after serving 10 years, and youth under 21 at the time of committing first-degree murder are eligible for parole after serving 20 years); Md Code Ann Crim Pro 8-110 (youth convicted of a crime while under 25, with limited exceptions, are eligible to apply for a sentence reduction after serving 20 years); Nev Rev Stat 213.12135 (youth are eligible for parole after serving 15 years if the offense did not result in the death of another person and 20 years if the offense resulted in the death of one person); NM Stat Ann 31-21-10.2(A) (youthful offenders are eligible for parole after serving 15 to 25 years, depending on the offense); ND Cent Code Ann 12.1-32-13.1(1)(a) (youth are eligible for sentence reduction after serving 20 years); Ohio Rev Code Ann 2967.132 (youth are eligible for parole after serving 18 to 30 years unless they were the principal offender in each offense that involved the purposeful killing of three or more persons); Or Rev Stat 144.397 (youth are eligible for parole after serving 15 years); RI Gen Laws 13-8-13(e) (youth who committed an offense before age 22 are eligible for parole after serving 20 years, unless they are serving life without parole); Va Code Ann 53.1-165.1(E) (youth sentenced to life imprisonment are eligible for parole after serving 20 years); Wash Rev Code 9.94A.730(1) (youth are eligible for parole after serving 20 years, with few exceptions); W Va Code 61-11-23(b) (youth are eligible for parole after serving 15 years); Wyo Stat Ann 6-10-301(c) (youth sentenced to life imprisonment are eligible for parole after commutation to a term-of-years sentence or after serving 25 years); DC Code Ann 24-403.03(a) (the court shall reduce the sentence of a youth who

committed a crime before age 25 after serving 15 years and if the court finds they are not a danger to the community).

Finally, regardless of youth, the maximum term of imprisonment for second-degree murder for anyone is far less than 50 years in many states. See, e.g., Ariz Rev Stat Ann 13-710(A) (25 years); Ark Code Ann 5-4-401(a) (30 years); Colo Rev Stat 18-1.3-401(1)(a)(V)(A), (A.1) (24 years); Ga Code Ann 16-5-1(e)(2) (30 years); 730 Il Comp Stat 5/5-4.5-30(a) (20 years); Iowa Code 707.3(2) (50 years); Md Code Ann Crim Law 2-204(b) (40 years); Minn Stat 609.19 (40 years); NM Stat Ann 31-18-15 (18 years); Va Code Ann 18.2-32 (40 years); W Va Code 61-2-3 (40 years).

B. Mr. Eads's Sentence is Fully Out of Step with International Sentencing Norms.

In determining whether an extreme sentence like Mr. Eads's is an unconstitutionally disproportionate punishment for a child, this Court should also consider the sentencing practices of other countries. In abolishing the death penalty for children, the U.S. Supreme Court recognized that it had long "referred to the laws of other countries and to international authorities as instructive for its interpretation of the Eighth Amendment's prohibition of 'cruel and unusual punishments.'" *Roper*, 543 US at 575; see also *Graham*, 560 US at 80 (acknowledging Court's "longstanding practice in noting the global consensus against the sentencing practice in question"). Similarly, the Massachusetts Supreme Judicial Court acknowledged international sentencing norms when it held all life without parole sentences for youth unconstitutional:

> In concluding that the imposition of a sentence of life in prison without the possibility of parole on juveniles under the age of eighteen violates the constitutional prohibition against "cruel or unusual punishment[ ]" in art. 26, we join a world community that has broadly condemned such punishment for juveniles. The United Nations Convention on the Rights of the Child, "ratified by every nation except the United States and Somalia, prohibits the imposition of life imprisonment without the possibility of release . . . for offences committed by persons below eighteen years

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> of age." . . . As John Adams recognized over 215 years ago, we belong to an international community that tinkers toward a more perfect government by learning from the successes and failures of our own structures and those of other nations. [*Diatchenko v Dist Attorney for Suffolk Dist*, 466 Mass 655, 671 n 16; 1 NE3d 270 (2013) (internal citations omitted).]

These practices should be persuasive here as well.

Mr. Eads's sentence of 50 to 75 years is an extreme outlier compared to the sentencing norms of the international community. In Switzerland, the maximum sentence for youth 16 or older is four years. Child Rights International Network, *Life Imprisonment*, available at <https://archive.crin.org/en/home/campaigns/inhuman-sentencing/life-imprisonment.html> (accessed March 3, 2026). In Venezuela, the maximum sentence is five years for youth ages 14 to 17. *Id.* In Denmark, Iceland, and Turkey, the maximum sentence for youth is eight years. *Id.* In Azerbaijan, Chile, Croatia, the Czech Republic, Estonia, Germany, Latvia, Lithuania, Russia, Serbia, Slovenia, and Spain, the maximum sentence for youth is 10 years. *Id.* In Belarus and Finland, the maximum sentence for youth is 12 years. *Id.* In Albania, the maximum sentence for youth is 12.5 years. *Id.* In Austria, youth under 16 may not be sentenced to more than 10 years detention and youth between 16 and 18 not more than 15 years. *Id.* In many other countries, youth may not be sentenced to more than half the sentence applicable to an adult.[14] *Id.* This list is not exhaustive, but it nonetheless offers a clear picture that the rest of the world imposes far shorter sentences for youth than the one Michigan imposed on Mr. Eads.

[14] These countries include Afghanistan, Albania, Austria, the Central African Republic, the Czech Republic, Djibouti, France, and Slovakia.

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IV. Fourth Factor: Lengthy Incarceration for Adolescents Is in Stark and Irreconcilable Conflict with the Goal of Rehabilitation Because It Is Impossible to Predict that a Young Person Is So Beyond Repair that Lifelong Punishment Is Necessary.

The fourth and final factor—whether the penalty imposed advances the penological goal of rehabilitation—also strongly supports finding long term-of-years punishment to be unconstitutional under the Michigan Constitution. The rehabilitation factor stands out in the Michigan Constitution's Article 1, § 16 jurisprudence as "a specific goal of our criminal-punishment system" and "[i]ndeed, . . . the only penological goal enshrined in our proportionality test as a criterion rooted in Michigan's legal traditions, despite the . . . Court's clear awareness of . . . other penological goals." *Parks*, 510 Mich at 265 (cleaned up). Thus, to the extent a punishment may be a close call under the Eighth Amendment but is deemed constitutional, its failure to stand up to scrutiny under a goal-of-rehabilitation microscope ought to push it over Article 1, § 16's constitutional edge.

Here, Mr. Eads will not be eligible for a parole hearing until *years* after he is likely to die, denying him any "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation." *Graham*, 560 US at 75. For three interlocking reasons, such an extreme punishment "forswears altogether the rehabilitative ideal." *Id.* at 74. First, condemning young people to die in prison "reflects an irrevocable judgment about [their] value and place in society, at odds with [their] capacity for change." *Miller*, 567 US at 473 (cleaned up). Second, the punishment is particularly suspect in light of the scientific and sociological research demonstrating that even for adolescents older than Mr. Eads, "rehabilitative potential is quite *probable*," *Parks*, 510 Mich at 265 (emphasis added), as their immaturity is transient, and it is only the *rare* youth whose crime reflects irreparable corruption, see *Miller*, 567 US at 479-480. Third—and most critically in this case—even allowing for the possibility that a rare adolescent will not be capable of rehabilitation, "[i]t is difficult even for expert psychologists to differentiate between the juvenile offender whose

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crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption." *Roper*, 543 US at 573; see also *Miller*, 567 US at 479-480; *Graham*, 560 US at 68.

This third point should be particularly dispositive for this Court under the rehabilitation factor of the Article 1, § 16 test. Punishment that lasts for the rest of an adolescent's life essentially requires courts to *predict* at the outset that rehabilitation in a given case is impossible—a prediction that even experts cannot make with the accuracy or reliability necessary to justify an irrevocable judgment with such profound, life-altering consequences. As the American Psychological Association and others have documented, study after study has failed to "suggest that anyone could reliably determine, *ex ante*, whether particular juveniles will reoffend," including "among adolescents convicted of the most serious crimes." Brief for the American Psychological Association et al as Amici Curiae Supporting Petitioners, *Miller v Alabama*, 567 US 460 (2012) (Nos. 10-9646, 10-9647), 2012 WL 174239, at *21-25. This near impossibility of prediction has driven numerous compelling critiques of the *Miller* Court's willingness to leave the Eighth Amendment's door open to continuing the practice of sentencing children to life without the possibility of parole. See, e.g., Note, Miller v Alabama *and the Problem of Prediction*, 119 Colum L Rev 1633, 1634 (2019); Galvan, Moffitt & Poldrack, *New Brain Science Shows Future Dangerousness Cannot Be Predicted in Defendants Under 21*, American Constitution Society (July 1, 2020), available at <https://perma.cc/BAZ8-ET6K>. In a state like Michigan that highly values the goal of rehabilitation in its cruel-or-unusual-punishment test, the inability to predict irreparable corruption or permanent incorrigibility must be fatal to the state's interest in retaining lifelong punishment as an option for adolescents.

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In contrast with expecting courts to predict the impossibility of future rehabilitation in any individual case when a person is still young, Michigan's post-*Miller* term-of-years statutes, MCL 769.25 and MCL 769.25a, allow the Parole Board to make that assessment later in life, when actual present-day evidence of rehabilitation, growth, and maturity can be appropriately considered. Here, however, the Parole Board will likely never have an opportunity to reassess Mr. Eads's punishment and whether he has rehabilitated because of the lengthy minimum term the trial court imposed. The trial court thus arrogated to itself the power to decide, once and for all, whether Mr. Eads deserved a meaningful opportunity to demonstrate his maturation, rehabilitation, and suitability for release. When courts make those determinations at the outset, before any evidence of rehabilitation can be presented, they are left to speculate, often based solely on the facts of the offense itself, whether they are dealing with a rare case of "irreparable corruption." *Roper*, 543 US at 573. As was recognized in *Roper* and *Graham*, that inevitably leads to "an unacceptable likelihood . . . that the brutality or cold-blooded nature of any particular crime w[ill] overpower mitigating arguments based on youth." *Id.* at 573; see also *Graham*, 560 US at 77-79.

In sum, lifelong punishment imposed on adolescents is not only inconsistent with the penological goal of rehabilitation, it makes a mockery of it. The fourth and final factor, therefore, strongly weighs in favor of finding the punishment imposed on Mr. Eads cruel or unusual under Article 1, § 16 of the Michigan Constitution.

CONCLUSION

Amici respectfully request that for the foregoing reasons this Honorable Court find that Mr. Eads's sentence violates Article 1, Section 16 of the Michigan Constitution and remand to the sentencing court with instructions for resentencing.

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Respectfully submitted,

/s/ Bonsitu Kitaba-Gaviglio
Bonsitu Kitaba-Gaviglio (P78822)
Syeda Davidson (P72801)
American Civil Liberties Union
Fund of Michigan
2966 Woodward Ave.
Detroit, MI 48201
(313) 578-6800
bkitaba@aclumich.org
sdavidson@aclumich.org

Marty Berger, PA Bar #335300
American Civil Liberties Union
Fund of Michigan
1514 Wealthy Street SE, Ste. 260
Grand Rapids, MI 49506
(616) 301-093
mberger@aclumich.org

/s/ Jessica R. Feierman
Jessica R. Feierman, PA Bar #95114
Andrew R. Keats, NY Bar #5037528
Lia Knox-Hershey, PA Bar #337762
Juvenile Law Center
1800 JFK Blvd., Ste. 1900B
Philadelphia, PA 19103
(215) 625-0551
jfeierman@jlc.org
akeats@jlc.org
lknox-hershey@jlc.org

Steven M. Watt, NY Bar #4383212
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2500
swatt@aclu.org

Deborah A. LaBelle (P31595)
221 N. Main Street
Suite 300
Ann Arbor, MI 48104
(734) 996-5620
deblabelle@aol.com

Counsel for Amici Curiae

**pro hac vice motion forthcoming*

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/s/ Bonsitu Kitaba-Gaviglio
Bonsitu Kitaba-Gaviglio (P78822)