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STATE OF MICHIGAN
IN THE SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN, *Plaintiff-Appellee,* v. JOSHUA LAMAR-JAMES STEWART, *Defendant-Appellant.*	Supreme Court No. 162497 COA No. 343755 Wayne CC No. 16-005731-01

BRIEF AMICI CURIAE FOR THE AMERICAN PSYCHOLOGICAL ASSOCIATION, THE MICHIGAN PSYCHOLOGICAL ASSOCIATION, AND THE NATIONAL ASSOCIATION OF SOCIAL WORKERS

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INTERESTS OF AMICI CURIAE*

The American Psychological Association (APA) is the leading association of psychologists in the United States. A non-profit scientific and professional organization, it has approximately 135,000 members and affiliates. Among APA's major purposes are to increase and disseminate knowledge regarding human behavior, and to foster the application of psychological learning to important human concerns.

APA has filed more than 180 amicus briefs in state and federal courts around the country, including briefs regarding research on false confessions. APA's briefs have been cited frequently by courts over the years, including the U.S. Supreme Court. *See, e.g., Graham v. Florida*, 560 U.S. 48, 68 (2010); *Panetti v. Quarterman*, 551 U.S. 930, 962 (2007); *Atkins v. Virginia*, 536 U.S. 304, 316 n.21 (2002); *People v. Thomas*, 8 N.E.3d 308 (N.Y. 2014); *Commonwealth v. Wright*, 14 A.3d 798, 816 n.16 (Pa. 2011); *Florida Department of Children & Families v. In re Adoption of X.X.G. & N.R.G.*, 45 So. 3d 79, 87 n.10 (Fla. Dist. Ct. App. 2010); *In re Marriage Cases*, 183 P.3d 384, 441 n.59 (Cal. 2008).

APA has a rigorous approval process for amicus briefs, the touchstone of which is an assessment of whether there is sufficient scientific research, data, and literature on a question before a court that APA can usefully contribute to the court's understanding and resolution of that question. APA regards this as one of those cases: The issues in this appeal include the voluntariness of an allegedly false confession; there is substantial psychological and sociological research bearing on that issue, including research on the existence of false confessions and the

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* No counsel for a party authored this brief in whole or in part, nor did any person other than amici, their members, and their counsel make a monetary contribution intended to fund the preparation or submission of the brief.

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police-interrogation techniques associated with such confessions, particularly when applied to individuals with certain known characteristics.

The Michigan Psychological Association (MPA) is the professional association for psychologists in the state of Michigan. MPA's mission is to improve the health of the people in Michigan by advancing the science, education, and practice of psychology.

The National Association of Social Workers (NASW), founded in 1955, is the largest association of professional social workers in the United States, with 110,000 members in 55 chapters. NASW has worked to develop high standards of social work practice while unifying the social work profession. NASW promulgates professional policies, conducts research, publishes professional studies and books, provides continuing education and enforces the NASW Code of Ethics. In alignment with its mission to ensure the efficacy and quality of practicing social workers, NASW provides resources and develops policy statements on issues of importance to the social work profession.

QUESTIONS PRESENTED

I. Was Mr. Stewart's confession inadmissible?

Mr. Stewart answers: Yes.

The People answer: No.

Court of Appeals answered: No.

Amici do not take a position on this question.

II. Is the provision of MCL 769.34(10) requiring appellate courts to affirm within guideline sentences unconstitutional?

Mr. Stewart answers: Yes.

The People answer: No.

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Court of Appeals made no answer.

Amici do not take a position on this question.

III. Was Mr. Stewart's sentence of 23 to 46 years for armed robbery unreasonable and disproportionate?

Mr. Stewart answers: Yes.

The People answer: No.

Court of Appeals made no answer.

Amici do not take a position on this question.

INTRODUCTION AND SUMMARY OF ARGUMENT

False confessions are a documented phenomenon, one far more widespread than commonly believed. And a robust and widely accepted body of scientific research—described in this brief—has identified interrogation techniques and dispositional factors that increase the risk of false confessions. This Court should take account of this research in resolving Mr. Stewart's application.

In particular, psychological and social-science research demonstrates that a number of oft-used police-interrogation techniques are psychologically coercive. Some of these techniques, known as "maximization," involve exaggerating or fabricating the strength of evidence against the accused. Others, known as "minimization," involve downplaying the seriousness of an offense through reassurance or excuses. Both types of techniques increase the risk of a false confession, and both were used in the interrogation of Mr. Stewart. The risk of these techniques is further heightened by sleep deprivation, which was also present in this case. Finally, research shows that adolescents like Mr. Stewart are especially prone to making false confessions.

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STATEMENT OF FACTS AND PROCEEDINGS

Amici adopt the facts statement in Mr. Stewart's brief.

ARGUMENT

I. FALSE CONFESSIONS FREQUENTLY LEAD TO WRONGFUL INCARCERATION

The U.S. Supreme Court has long recognized that a defendant's confession "is probably the most probative and damaging evidence that can be admitted against him." *Arizona v. Fulminante*, 499 U.S. 279, 296 (1991). "[C]onfessions have [a] profound impact on the jury, so much so that we may justifiably doubt its ability to put them out of mind even if told to do so." *Id.*

One reason a confession is so compelling is that many judges and jurors believe that "innocent individuals do not falsely confess." Blandón-Gitlin et al., *Jurors Believe Interrogation Tactics Are Not Likely to Elicit False Confessions: Will Expert Witness Testimony Inform Them Otherwise?*, 17 Psych. Crime & L. 239, 256 (2011); *see also* Chojnacki et al., *An Empirical Basis for the Admission of Expert Testimony on False Confessions*, 40 Ariz. St. L.J. 1, 32 tbl. 4 (2008); Henkel et al., *A Survey of People's Attitudes and Beliefs About False Confessions*, 26 Behav. Sci. & L. 555, 578 (2008). People assume, in other words, that any confession must be true. But while many confessions *are* true—and those confessions play a critical role in obtaining valid and appropriate convictions—it is undeniable that people do confess to crimes they did not commit. In fact, it has now been demonstrated beyond reasonable dispute in a significant number of cases that individuals have been wrongly convicted and incarcerated, based largely or exclusively on false confessions.

Indeed, the increasing use of DNA evidence in recent decades has confirmed how widespread the phenomenon of false confessions is. In the Innocence Project's database of 375

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DNA exonerations in the United States, false confessions contributed to 29% of those wrongful convictions. The Innocence Project, *DNA Exonerations in the United States*, https://innocenceproject.org/dna-exonerations-in-the-united-states/ (last visited Oct. 12, 2022). Among the more than 3,000 wrongful convictions archived by the National Registry of Exonerations, 13% of those wrongfully convicted had falsely confessed. National Registry of Exonerations, (Cases), https://www.law.umich.edu/special/exoneration/Pages/browse.aspx (visited Oct. 12, 2022). Moreover, data on exonerations may underrepresent the prevalence of false confessions because those who confess falsely may also be more likely to plead guilty than others wrongfully convicted, thereby increasing barriers to appeal. *See* Wynbrandt, Comment, *From False Evidence Ploy to False Guilty Plea: An Unjustified Path to Securing Convictions*, 126 Yale L.J. 545, 553 (2016).

False confessions are particularly difficult for judges and jurors to disbelieve when a confession contains accurate non-public details about the crime. In reality, however, the presence of those details has relatively little correlation with whether a confession is false, because such details can become known to a suspect via "contamination," whereby an interrogator, either inadvertently or intentionally, supplies such details to the suspect. *See* Garrett, *The Substance of False Confessions*, 62 Stan. L. Rev. 1051, 1053-1054 (2010); Appleby et al., *Police-Induced Confessions: An Empirical Analysis of Their Content and Impact*, 19 Psych. Crime & L. 111, 116 (2013); Kassin, *Police-Induced Confessions*, 34 L. & Hum. Behav. 3, 26 (2010); Garrett, *Contaminated Confession Revisited*, 101 Va. L. Rev. 395, 408-415 (2015); Trainum, *"I Did It"—Confession Contamination and Evaluation*, Police Chief Magazine, https://www.policechiefmagazine.org/i-did-it-confession-contamination-and-evaluation/ (visited October 12, 2022).

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Based on case studies, analyses of actual false-confession cases, basic principles of psychology, and forensic research, psychologists and other social scientists have identified various factors that increase the risk of a false confession, including interrogation tactics police use to elicit confessions. Amici present that research because several of these factors are present in this case.

II. RESEARCH DEMONSTRATES THAT CERTAIN INTERROGATION TECHNIQUES ARE PSYCHOLOGICALLY COERCIVE AND INCREASE THE RISK OF A FALSE CONFESSION

Decades of research show that psychologically coercive interrogation techniques make false confessions more likely. And many of these techniques are used frequently by police in this country. In particular, many police departments follow a set of interrogation procedures, commonly referred to as the "Reid Technique," that dates to the 1960s. *See* Inbau et al., *Criminal Interrogation and Confessions* 185-327 (5th ed. 2013) (explaining the technique). The Reid Technique involves the use of powerful social-influence tactics (including both positive and negative incentives) aimed at producing compliance. Davis & Leo, *Commentary: Overcoming Judicial Preferences for Person-Versus Situation-Based Analyses of Interrogation-Induced Confessions*, 38 J. Am. Acad. Psychiatry & L. 187, 188 (2010); *see also* Kassin, *A Critical Appraisal of Modern Police Interrogations, in Investigative Interviewing: Rights, Research, Regulation* 207 (Williamson ed., 2006).

Among the most recognized coercive interrogation conditions and techniques are maximization, minimization, and sleep deprivation.

A. Maximization Techniques

Maximization refers to "a cluster of tactics designed to convey the interrogator's rock-solid belief that the suspect is guilty and that all denials will fail." Kassin, *Police-Induced*

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Confessions, 34 L. & Hum. Behav. at 12. Police using this technique begin an interrogation by confronting a suspect whom they believe to be guilty with strong accusations, while interrupting any efforts at objection or denial. *Id.* Police may also bolster their accusations by citing incriminating evidence, either real or manufactured. *Id.*

Research has shown that "maximization communicates an implicit threat of punishment." Kassin, *The Psychology of Confession Evidence*, 52 Am. Psych. 221, 224 (1997). For example, when subjects in one study reviewed transcripts of interrogations that employed maximization techniques, they expected the interrogated suspect to receive a harsher sentence. Kassin & McNall, *Police Interrogations and Confessions: Communicating Promises and Threats By Pragmatic Implication*, 15 L. & Hum. Behav. 233, 240 (1991). And the use of false evidence is a particularly potent form of maximization—one directly linked to the risk of false confessions. Indeed, 94% of confession and interrogation experts in one survey concluded that "[p]resentations of false incriminating evidence during interrogation increase the risk that an innocent suspect [will] confess to a crime he or she did not commit." Kassin, *General Acceptance*, 73 Am. Psych. at 70; *see also id.* at 72. In the same study, moreover, *all* of the experts agreed that "[m]isinformation about an event can alter a person's memory for that event." *Id.* at 70-71.

Empirical studies confirm these views. In one study, participants completed a computerized gambling task and later were falsely accused of cheating by stealing "money" from a fictional bank. Nash & Wade, *Innocent But Proven Guilty: Eliciting Internalized False Confessions Using Doctored–Video Evidence*, 23 Applied Cognitive Psych. 624, 625, 627-628 (2008). Half of the participants were told there was a videotape proving their theft; the other half

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were shown such a (doctored) video. *Id.* at 625, 628. After either one or two requests to do so, all participants in both groups signed a false confession. *Id.* at 628-630.

Other studies have yielded similar results. In one, students participated in a computer typing exercise where each participant was instructed not to strike a particular keyboard key. Kassin & Kiechel, *The Social Psychology of False Confessions: Compliance, Internalization, and Confabulation*, 7 Psych. Sci. 125 (1996). Later, when the participant's computer shut down (as it was programmed automatically to do), the participant was accused of having caused the crash by striking the forbidden key. The participant was then confronted with false evidence of his guilt: An actor working for the researcher claimed to have seen the participant strike the prohibited key. *Id.* at 126. The use of that "false evidence nearly doubled the number of students who signed a written confession, from 48 to 94%." Kassin, *Police-Induced Confessions*, 34 L. & Hum. Behav. at 17. Comparable studies have likewise found high false-confession rates caused by the introduction of false evidence, even where a confession was said to bear a financial consequence. *See* Horselenberg et al., *Individual Differences and False Confessions: A Conceptual Replication of Kassin and Kiechel (1996)*, 9 Psych. Crime & L. 1, 5 (2003) (explaining that 82% of participants signed a false confession despite being told they would lose their $10 participation payment).

In light of the strength and consistency of the research in this area, the American Psychological Association has drawn special attention to the "risks of eliciting a false confession by interrogations that involve the presentation of false evidence." American Psychological Association, *Resolution on Interrogations of Criminal Suspects* (2022) (APA Resolution), https://www.apa.org/about/policy/interrogations.

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In this case, police repeatedly used maximization techniques when they interrogated Mr. Stewart. For example, Officer MacDonald told Mr. Stewart repeatedly that the police had "witnesses from both incidents" being investigated. (101a; *see also* 57a; 68a; 102a; 129a.) According to Officer MacDonald, the witnesses were "telling me [Mr. Stewart] was there." (102a.) When Mr. Stewart still failed to offer a full confession, Officer MacDonald changed tactics and claimed that the victim of one of the robberies had "a camera pointing right at the street." (142a; 144a.) None of this was true.

B. Minimization Techniques

The maximization tactics just discussed operate to make a suspect feel trapped, a feeling usually heightened by the suspect's isolation throughout the interrogation. Once that occurs (or sometimes before), interrogators frequently "offer[] sympathy and understanding." Kassin, *Police-Induced Confessions*, 34 L. & Hum. Behav. at 12. Such "minimization tactics are designed to provide the suspect with moral justification and face-saving excuses for having committed the crime," normalizing and downplaying the crime to lead the suspect to see confession (for the downplayed offense) as an expedient exit strategy. *Id.* Minimization frequently also operates as a promise of leniency, one that "may well lead innocent people who feel trapped to confess." *Id.* at 18. In the survey of 87 experts referenced above, 91% agreed that "[m]inimization tactics that communicate sympathy and moral justification for a crime lead people to infer leniency upon confession." Kassin, *General Acceptance*, 73 Am. Psych. at 69; *see also id.* at 70, 72. And the American Psychological Association's *Resolution on Interrogations of Criminal Suspects* specifically warns of "the risks of eliciting a false confession [by interrogations] that involve minimization 'themes' that communicate promises of leniency." APA Resolution, *supra*.

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Numerous empirical studies document that risk. For example, one study examined minimization in the context of the computer-crash paradigm discussed earlier. Klaver et al., *Effects of Personality, Interrogation Techniques and Plausibility in an Experimental False Confession Paradigm*, 13 Legal & Criminological Psych. 71 (2008). Again, participants were accused of causing their computers to crash by hitting a forbidden key. But for some participants, the researcher blamed the incident on overly sensitive keys, or told the participants not to "worry" because "[i]t was just an accident." *Id.* at 77-78. The participants subjected to these minimization techniques were more likely to sign false confessions. *Id.* at 81.

Another study reached the same basic result using a different model. Students who were partnered for purposes of a problem-solving activity with a so-called confederate (an actor working for the researcher) were told that for some parts of the activity, the students and confederates were to work alone. *See* Russano et al., *Investigating True and False Confessions Within a Novel Experimental Paradigm*, 16 Psych. Sci. 481, 483 (2005). Some confederates (acting at the researcher's secret instruction) asked their partners for help on the parts designed for individualized work, i.e., tried to induce the participant to break the rules. Later, the researcher claimed that the pair had suspiciously arrived at the same wrong answer and accused the participant of cheating—an act with serious consequences in the university setting. The participant was then confronted with (1) an explicit offer of leniency ("things could probably be settled pretty quickly"); (2) minimization (specifically a combination of sympathy and face-saving excuses); (3) neither; or (4) both. *Id.* at 483. The explicit promise and the minimization both increased the rate of false confessions. *Id.* at 484.

Finally, in a study on how minimization communicates leniency, participants read transcripts of interrogations. Kassin & McNall, *Police Interrogations and Confessions*, 15 L. &

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Hum. Behav. at 240; *see also* Luke & Alceste, *The Mechanisms of Minimization: How Interrogation Tactics Suggest Lenient Sentencing Through Pragmatic Implication*, 44 L. & Hum. Behav. 266 (2020). In some of the transcribed cases, interrogators promised suspects they would receive a lighter sentence if they confessed. In others, interrogators used minimization techniques—for example, blaming the victim or morally excusing the crime. After reviewing the transcripts, participants were asked how severe they expected the suspect's sentence to be in the event of a confession. Kassin & McNall, *Police Interrogations and Confessions*, 15 L. & Hum. Behav. at 241. In general, "subjects expected more lenient sentencing in both the minimization and promise conditions" as compared to the control group. In other words, both minimization and promises communicated leniency. *Id.*

In this case, the police used minimization techniques repeatedly during their interrogation of Mr. Stewart. For example, interrogators offered Mr. Stewart a face-saving excuse for his role in the robberies, repeatedly emphasizing that he was not the shooter. (58a; 87a; 114a; 171a-172a.) The officers also made promises of leniency, telling Mr. Stewart again and again that confessing would convert his "20 to life" sentence into "two years." (84a; 108a). And those promises appear to have had an effect, as Mr. Stewart explained that he was cooperating "[f]or my mama though. Cause y'all talking about 20 or 2. Who wouldn't take 2?" (162a.)

C. Sleep Deprivation

Coercive techniques such as maximization and minimization create a particularly high risk of eliciting a false confession when they are combined with sleep deprivation. That is because "[s]leep deprivation lowers people's resistance to influence and impairs complex decision-making." Kassin et al., *General Acceptance*, 73 Am. Psych. at 70; *see also id.* at 70-72. In particular, it impairs "the ability to anticipate risks and consequences, inhibit behavioral

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impulses, and resist suggestive influences." Frenda et al., *Sleep Deprivation and False Confessions*, 113 Proc. Nat'l Acad. Sci. 2047, 2048 (2016).

In one study illustrating this point, subjects participated in the typing exercise described above, with an important difference: After the exercise was completed, the participants were kept overnight, with half sleeping eight hours (in laboratory bedrooms) and the other half remaining awake through the night. Frenda, *Sleep Deprivation and False Confessions*, 113 Proc. Nat'l Acad. Sci. at 2047-2048. In the morning, the participants were asked to sign a statement confessing to pressing the forbidden key. *Id.* at 2048. "The odds of signing the statement were significantly greater for sleep-deprived participants than for the rested participants," with 50% of the sleep-deprived participants immediately confessing, compared to 18% of the participants who were allowed to sleep. *Id.* at tbl. 1.

Sleep deprivation, in other words, "sets the stage for a false confession." Frenda, *Sleep Deprivation and False Confessions*, 113 Proc. Nat'l Acad. Sci. at 2048. Despite this (or perhaps because of it), studies have documented that police regularly conduct interrogations between midnight and 8 am, when most people are normally sleeping. Kassin et al., *Police Interviewing and Interrogation: A Self-Report Survey of Police Practices and Beliefs*, 31 L. & Hum. Behav. 381, 392 (2007). That is essentially what happened in this case, with Mr. Stewart's interrogation beginning at 3:40 in the morning and lasting several hours in the dead of night. (7a; 120a).

III. YOUNG PEOPLE ARE MORE LIKELY TO FALSELY CONFESS

A large body of research in developmental psychology and neuroscience demonstrates that young people, including those of Mr. Stewart's age, are especially prone to making false confessions. Studies of exoneration cases have found far higher rates of false confessions among youths than among older people. *See* Gross & Shaffer, *Exonerations in the United States, 1989-*

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2012: Report by the National Registry of Exonerations, Nat'l Registry of Exonerations, at 60 (2012) (finding, in study of 873 cases, that 42% of adolescent exonerees had falsely confessed, compared to 15% of all exonerees); Tepfer et al., *Arresting Development: Convictions of Innocent Youth*, 62 Rutgers L. Rev. 887, 904 (2010) (finding that 31.1% of youth exonerees in study falsely confessed, compared to 17.8% of adults). Indeed, one study determined that a "suspect's age is strongly correlated with the likelihood of eliciting a false confession." Drizin & Leo, *The Problem of False Confessions in the Post-DNA World*, 82 N.C. L. Rev. 891, 945 (2004) (noting that more than half of the false confessors in a study of 125 were under the age of 25).

Young people are more likely to falsely confess for two principal reasons. First, they often lack the judgment that comes with greater maturity. Research establishes that adolescents focus on immediate rewards and discount long-term consequences when making decisions, while adults are more attuned to both short- and long-term costs. *See* Cauffman & Steinberg, *(Im)maturity of Judgment in Adolescence: Why Adolescents May Be Less Culpable Than Adults*, 18 Behav. Sci. & L. 741, 748, 754 & tbl. 4 (2000). This strong preference for immediate benefit contributes to the tendency of adolescents to falsely confess, as false confessions typically result from the belief that "the short-term benefits of confession relative to denial outweigh the long-term costs." Kassin, *Police-Induced Confessions*, 34 L. & Hum. Behav. at 14. The "impulsive tendenc[y]" to accept heavy costs, including prison time, in return for even paltry rewards, such as an end to the interrogation, is "especially evident in juvenile populations." *Id.* at 15. Neuroscience helps explain why: Well into early adulthood, the brain is still undergoing the physical changes that permit better cost-benefit decision-making, changes that include synaptic "pruning" and myelination. *See* Gogtay et al., *Dynamic Mapping of Human Cortical*

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Development During Childhood Through Early Adulthood, 101 Proc. Nat'l Acad. Sci. 8174, 8178 (2004).

Second, young people are particularly vulnerable to outside pressures. For example, they are "less likely to possess the psychological resources to resist the pressures of accusatorial police questioning," Drizin & Leo, *The Problem of False Confessions in the Post-DNA World*, 82 N.C. L. Rev. at 944, and are "more easily pressured, manipulated, and persuaded to make or agree to false statements," Leo, *Interrogation and Confessions*, in *Reforming Criminal Justice* 233, 248 (2015). They are also significantly less likely to recognize police pressure during interrogation, while viewing the police as fairer in comparison to adults. Redlich, et al., *Pragmatic Implication in the Interrogation Room: A Comparison of Juveniles and Adults*, 16 J. of Experimental Crim. 555, 562 (2020). This developmental vulnerability creates a significant danger of false confession. Again, neuroscience research sheds light on why adolescents are less equipped to manage the heightened emotions that arise in the interrogation setting. The "increase in connections not only among cortical areas [of the brain] but between cortical and subcortical regions," which is "especially important for emotion regulation," continues "well into late adolescence." Steinberg, *Should the Science of Adolescent Brain Development Inform Public Policy?*, 64 Am. Psych. 739, 743 (2009).

Importantly, these characteristic traits of youth and immaturity are found in late adolescents (18- to 20-year-olds), not just in juveniles aged 17 and under. "[T]here is no neuroscientific bright line regarding brain development that indicates the brains of 18- to 20-year-olds differ in any substantive way from those of 17-year-olds." American Psychological Association, *APA Resolution on the Imposition of Death as a Penalty for Persons Aged 18 Through 20, Also Known As the Late Adolescent Class*, at 1 (2022),

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https://www.apa.org/about/policy/resolution-death-penalty.pdf. Rather, research on brain development demonstrates that 17-year-old brains "are equally or indistinguishably immature" from those "in the 18- through 20- year-old population." Gur, *Development of Brain Behavior Integration Systems Related to Criminal Culpability From Childhood to Young Adulthood: Does It Stop At 18 Years?*, 7 J. Pediatric Neuropsychology 55, 57 (2021). Like 17-year-olds, 18-year-olds possess brain structures and functions that have not yet fully matured and are therefore "just as vulnerable" to the resulting "effects on behavior (especially behavioral control)." *Id.* And of particular relevance here, an 18-year-old brain is still developing the tactics that may help suspects resist the pressure to falsely confess: "[S]trategic behaviors and decision-making under demanding conditions … show steady improvements beyond 18 years into the early twenties." Casey et al., *Making the Sentencing Case: Psychological and Neuroscientific Evidence for Expanding the Age of Youthful Offenders*, 5 Ann. Rev. Criminology 321, 327 (2021).

Here, Mr. Stewart was 18 years old at the time of his interrogation. (8a.) The officers who interrogated him repeatedly raised this fact, emphasizing his youth and immaturity. At one point, for example, they told him: "You 18. You considered a fucking man. Legally. But you don't fucking act like one." (82a.) At another point they said to him: "You 18 fucking years old. I got a fucking daughter older than you. … I'm not trying to send kids to prison." (94a.) And at still another point they told him: "We're both old enough to be your parents. Okay? … So it's like you trying to sit there and convince your mother and your father that you didn't do some shit when we know you did." (58a.) Having not reached full maturity, Mr. Stewart was less equipped than the average adult to deal with the interrogation techniques discussed in the previous section.

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CONCLUSION AND PRAYER

In resolving Mr. Stewart's application, the Court should take account of the social-science research regarding false confessions discussed herein, research showing an association between false confessions and several of the interrogation techniques present in this case, including maximization, minimization, and sleep deprivation, as well as between false confessions and adolescence.

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Respectfully submitted.

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CERTIFICATE OF COMPLIANCE

I certify that the foregoing brief contains 4,241 countable words.

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CERTIFICATE OF SERVICE

On October 12, 2022, the foregoing was served via electronic filing on the counsel of record for all parties in this case.

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