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STATE OF MICHIGAN

IN THE SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MONTEZ STOVALL,

Defendant-Appellant.

Supreme Court No. 162425

Court of Appeals No. 342440

Wayne CC: 92-000334-01-FC

MOTION OF JUVENILE LAW CENTER, JUVENILE SENTENCING PROJECT, AND AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN FOR LEAVE TO FILE AMICI CURIAE BRIEF IN SUPPORT OF DEFENDANT-APPELLANT MONTEZ STOVALL

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Juvenile Law Center, the Juvenile Sentencing Project, and the American Civil Liberties Union of Michigan respectfully move this Court, pursuant to MCR 7.312(H) and MSC IOP 7.305(A)(9), for leave to file an *amici curiae* brief in support of Defendant-Appellant Montez Stovall for the reasons that follow:

1. Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the child welfare and justice systems through litigation, appellate advocacy and submission of amicus briefs, policy reform, public education, training, consulting, and strategic communications. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center strives to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children's unique developmental characteristics, and reflective of international human rights values.

2. Juvenile Law Center has worked extensively on the issues of juvenile life without parole and *de facto* life sentences, serving as co-counsel for petitioner in the U.S. Supreme Court case *Montgomery v Louisiana*, 136 S Ct 718; 193 L Ed 2d 599 (2016), and filing amicus briefs in the U.S. Supreme Court in both *Graham v Florida*, 560 US 48; 130 S Ct 2011; 176 L Ed 2d 825 (2010), and *Miller v Alabama*, 567 US 460; 132 S Ct 2455; 183 L Ed 2d 407 (2012). Additionally, Juvenile Law Center has participated as *amicus curiae* in numerous juvenile life without parole and *de facto* life cases throughout the nation, including in the Michigan Supreme Court in *People v Carp*, 496 Mich 440; 852 NW2d 801 (2014), *vacated* 136 S Ct 1355; 194 L Ed 2d 339 (2016), and *People v Skinner*, 502 Mich 89; 917 NW2d 292 (2018).

3. The Juvenile Sentencing Project is a project of the Legal Clinic at Quinnipiac University School of Law. The Juvenile Sentencing Project focuses on issues relating to long prison sentences imposed on children. In particular, it researches and analyzes responses by courts

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and legislatures nationwide to the U.S. Supreme Court's decisions in *Graham v Florida*, 560 US 48; 130 S Ct 2011; 176 L Ed 2d 825 (2010), *Miller v Alabama*, 567 US 460; 132 S Ct 2455; 183 L Ed 2d 407 (2012), and *Montgomery v Alabama*, 136 S Ct 718; 193 L Ed 2d 599 (2016), and produces reports and memoranda for use by policymakers, courts, scholars, and advocates. The Juvenile Sentencing Project focuses its research in particular on the "meaningful opportunity to obtain release" standard applicable to juvenile offenders. Because of its dedication to pursuing research in this area of the law, the Juvenile Sentencing Project has an interest in assisting courts to develop an accurate understanding of the legal issues surrounding the standard.

4. 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. The ACLU has long advocated for an end to the practice of sentencing children in Michigan to life in prison, including through litigation, as amicus curiae, and through public education. See, e.g., *Hill v Snyder*, 900 F3d 260 (CA 6, 2018); *People v Carp*, 496 Mich 440, 852 NW2d 801 (2014), *vacated*, 136 S Ct 1355 (2016); ACLU of Michigan, *Second Chances: Juveniles Serving Life Without Parole in Michigan Prisons* (2004).

5. The instant case requires consideration of the constitutionality of a parolable life sentence—imposed without consideration of the mitigating circumstances of youth—in light of parole policies and practices that reflect the Michigan Parole Board's "life means life" approach and fail to offer the "realistic" and "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation" required in all but the rarest cases for crimes committed as children. *Graham*, 560 US at 75, 82; *Montgomery*, 136 S Ct at 733.

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6. The questions of law before this Court are closely tied to important and pressing public policy concerns related to the sentencing of youth and subsequent opportunities for parole or early release. As organizations that work closely with policymakers, juvenile justice advocates, social scientists and medical and mental health professionals, and that have developed expertise related to sentencing of youth and parole standards and practices post-*Graham* and *Miller*, we are well positioned to offer unique insight to this Court regarding some of the issues that are implicated in this appeal.

WHEREFORE, Juvenile Law Center, the Juvenile Sentencing Project, and the American Civil Liberties Union of Michigan respectfully request that this Honorable Court grant this motion to file a brief of *amici curiae* in support of Defendant-Appellant Stovall.

Respectfully submitted, this 18th day of February, 2021.

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