

NO. 19-2910; 19-3019

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In the United States Court of Appeals  
for the Eighth Circuit

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NORMAN BROWN, ET AL.,

Appellees/Cross-Appellants,

v.

ANNE PRECYTHE, ET AL.,

Appellants/Cross-Appellees.

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On Appeal from the United States District Court  
Western District of Missouri  
Hon. Nanette Laughrey  
United States District Judge

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BRIEF FOR THE CAMPAIGN FOR THE FAIR SENTENCING OF  
YOUTH AS AMICI CURIAE SUPPORTING APPELLEES/CROSS-  
APPELLANTS AND AFFIRMANCE

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## INTEREST OF AMICUS CURIAE<sup>1</sup>

The Campaign for the Fair Sentencing of Youth is a national coalition and clearinghouse that leads, coordinates, develops, and supports efforts to implement fair and age-appropriate sentences for youth, with a focus on abolishing life without parole sentences for youth. The Campaign provides technical assistance on strategic communications, litigation, and advocacy to attorneys, advocates, organizers, and others working at the state and federal levels. The Campaign engages in public education and communications efforts to provide decision-makers and the broader public with the facts, stories, and research that will help them to fully understand the impacts of these sentences upon individuals, families, and communities.

Incarcerated Children's Advocacy Network (ICAN) is the United States' only national network of formerly incarcerated youth and is a project of the Campaign for the Fair Sentencing of Youth. ICAN's mission

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<sup>1</sup> Pursuant to Fed. R. App. P. 29(a)(4)(E), no party's counsel authored the brief in whole or in part; no party or party's counsel contributed money that was intended to fund preparing or submitting the brief; and no person—other than the amicus curiae, its members, or its counsel—contributed money that was intended to fund preparing or submitting the brief. Pursuant to Fed. R. App. P. 29(a)(2), all parties have consented to the filing of this amicus brief.

is to address youth violence through restorative means and advocate for age-appropriate and trauma-informed alternatives to extreme sentences for children. ICAN is committed to creating a fair and just society that recognizes the scientifically-proven developmental differences between adolescents and adults. All ICAN members were convicted of serious crimes in adult court, and many were given a life sentence. Through sharing their personal stories, ICAN members work to highlight children's unique capacity for rehabilitation by providing living examples of positive change.

Amici curiae have a particular interest in this case because the effect of the parole procedures implemented in Missouri is that juvenile offenders are not given a meaningful opportunity to demonstrate their maturation and rehabilitation in their lifetime and seek release. This rule disregards the Eighth Amendment limitation on juvenile sentences recognized in *Graham v. Florida*, 560 U.S. 48 (2010) and its progeny. All parties have consented to the filing of this amicus filing.

### **SUMMARY OF ARGUMENT**

Amici curiae submit this brief in support of Appellees/Cross-Appellants to share the stories of individuals formerly serving life

without parole sentences imposed on them in their youth, who now have been released through meaningful parole processes. These real-life examples demonstrate the importance of processes that account for the unique rehabilitative potential of youthful offenders and procedures that actualize the Supreme Court's pronouncement that "children are constitutionally different from adults" because of their "diminished culpability and greater prospects for reform." *Miller v. Alabama*, 567 U.S. 460, 471 (2012).

Like the class members, the people whose stories are told in this brief were convicted of homicide crimes as children and initially sentenced to life without parole. Yet unlike the class members, they were given "a chance to demonstrate growth and maturity" through meaningful procedural protections at parole. *Miller* at 479 (quoting *Graham v. Florida*, 560 U.S. 48, 73 (2010)). Louis Costa, Ronald Olivier, Laura Berry, and Christopher Williams are just four of more than five hundred individuals who have now been released as a result of the Supreme Court decisions in *Miller* and *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016). They outgrew their adolescent behavior, bettered themselves, and are now contributing meaningfully to their

communities. Their stories of reform and redemption are not exceptions but are living proof that all children have the capacity for positive growth.

This Court should reject superficial interpretations of the Eighth Amendment that suggest that any parole eligibility, even processes that fail to recognize the differences *Miller* detailed, is sufficient. The District Court ruling correctly recognized that every juvenile offender should be given a meaningful opportunity to demonstrate their growth and maturity in their lifetime, consistent with the principles established in *Graham*, *Miller*, and *Montgomery*. Procedural protections at parole that specifically ensure meaningful presentation and consideration of youth, such as allowing counsel to present witnesses, access to relevant parole files, and substantive written decisions and feedback are necessary to implement this mandate and do not make the process unnecessarily adversarial. Instead, these procedures ensure the board is presented with the relevant information required by *Graham*, *Miller*, and *Montgomery*.

## ARGUMENT

### I. THE EIGHTH AMENDMENT REQUIRES DISTINCT AND PROTECTIVE TREATMENT OF THE UNIQUE CHARACTERISTICS OF YOUTH AT PAROLE.

The Supreme Court has repeatedly found that youthfulness is inherently and categorically mitigating, and thus characteristics of youth require distinct and protective treatment under the Eighth Amendment. In a series of opinions beginning with *Roper v. Simmons*, 543 U.S. 551 (2005), and continuing in *Graham*, *Miller*, and *Montgomery*, the Court repeatedly held that children are categorically less culpable than adults for their actions, and thus require different, more protective procedures surrounding criminal sentencing. To reach this conclusion, the Court relied on “developments in psychology and brain science [that] continue to show fundamental differences between juvenile and adult minds.”

In particular, the Court relied on three developmental characteristics that distinguish children from adults when determining culpability. First, “children are more vulnerable to negative influences and outside pressures, including from their family and peers; they have limited control over their own environment and lack the ability to extricate themselves from horrific, crime-producing settings.”



*Montgomery*, 136 S. Ct. at 733 (quoting *Roper*, 543 U.S. at 569) (internal quotation marks omitted); see also *Miller*, 132 S. Ct. at 2458.

Second, “children have a lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking.” *Montgomery*, 136 S. Ct. at 733 (quoting *Roper*, 543 U.S. at 569) (internal quotation marks omitted); see also *Miller*, 132 S. Ct. at 2458; *Graham*, 560 U.S. at 68. Indeed, “the parts of the brain involved in behavior control continue to mature through late adolescence.” *Graham*, 560 U.S. at 68. Children, therefore, often “underestimate the risks in front of them and focus on short-term gains rather than long-term consequences.” Barry Feld, *The Youth Discount: Old Enough to Do the Crime, Too Young to Do the Time*, 11 *Ohio St. J. Crim.* 107, 116-17 (2013).

And third, “a child’s character is not as well formed as an adult’s; his traits are less fixed and his actions less likely to be evidence of irretrievable depravity.” *Montgomery*, 136 S. Ct. at 733 (quoting *Roper*, 543 U.S. at 570) (internal quotation marks omitted); see also *Miller*, 132 S. Ct. at 2458. As the Court explained in *Graham*, “[f]rom a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor’s character

deficiencies will be reformed.” 560 U.S. at 68. The signature qualities of adolescence—among them impetuosity and recklessness—subside as children grow into adulthood, even for children who commit serious crimes. See *Roper*, 543 U.S. at 570; see also Feld, 11 Ohio St. J. Crim. at 117.

Graham’s directive that individuals sentenced as children be allowed to “demonstrate maturity and reform” necessarily implicates the need for meaningful parole procedures and consideration, as this sort of demonstration is not possible at trial. *Graham*, 560 U.S. at 79.

**II. THE EXPERIENCES OF FORMERLY INCARCERATED YOUTH RATIFY THE PRINCIPLES ON WHICH THE SUPREME COURT’S EIGHTH AMENDMENT JURISPRUDENCE IS GROUNDED AND ILLUSTRATE THE NECESSITY OF PAROLE PROCEDURES SPECIFIC TO THIS POPULATION.**

This Court’s mandate in *Graham*, expanded upon in *Miller* and *Montgomery*, was that youth receive a “meaningful opportunity to obtain release.” This mandate led to the parole release of Louis Costa, Ronald Olivier, Christopher Williams, and Laura Berry, whose lives demonstrate that the “bad acts [they] committed as a teenager are not representative of [their] true character.” *Graham*, 560 U.S. at 79. Not only do their examples show young people are developmentally capable

of change when given a chance, but their experiences also highlight the importance of youth-specific procedures and considerations at parole. Each of these individuals had histories of violent crime but succeeded in becoming productive and law-abiding citizens. They were given an opportunity to demonstrate their maturation at parole hearings that offered access to counsel, actual, meaningful consideration of youth and rehabilitation, access to records, and substantive feedback. A process that does not include these protections is likely an illusory opportunity that would condemn children to die in prison, destroying both the child's and society's ability to benefit from that growth and rehabilitation. Their accounts are representative of hundreds of other formerly incarcerated youth across the country who were given an opportunity, through youth-specific parole proceedings, to demonstrate their rehabilitation. Consideration of their examples should help this Court recognize the importance of these protections.

#### **A. Ronald Olivier**

Ronald Olivier is a husband and new father whose deep religious faith compels him to better himself and serve his community as a youth pastor at the Tree of Calvary Baptist Church. But just two years ago, he

was serving a life sentence for a murder he committed when he was only sixteen years old. Now, thanks to the Supreme Court's *Montgomery* decision, he is once again a contributing member of society.

Mr. Olivier grew up in the poverty-stricken 7th and 8th wards of New Orleans, Louisiana – neighborhoods where drugs and violence were a part of everyday life. Although Mr. Olivier avoided those aspects of life for most of his childhood, his life took a turn at age 14 when his father, who was everything to him, moved to Florida. After his father left, Mr. Olivier had little supervision or guidance because his mother had to work two jobs to provide for her children.

With the benefit of hindsight and maturity, Mr. Olivier now knows that “a kid’s greatest teacher is what they see.” The emptiness and anger he felt after his father left, coupled with his lack of supervision and guidance, caused Mr. Olivier to look to the streets to fill the void in his life. Eventually, he embraced the neighborhood drug dealers as his new role models.

At the age of sixteen, Mr. Olivier was charged with first-degree murder and placed into the juvenile system. At first, Mr. Olivier did not appreciate the magnitude of what he had done or his situation. The

immature boy in him thought his incarceration was a joke and that he would be back home soon. The gravity of the situation did not hit him until the jury in his trial began deliberating. While awaiting the jury's verdict, Mr. Olivier got on his knees and prayed to God because he remembered his mother telling him that is what he should do if he ever found himself in trouble. Faced with the possibility of the death sentence, Mr. Olivier prayed, "Lord, if you don't let them kill me, I'll serve you the rest of life." Mr. Olivier was found guilty of second-degree murder and sentenced to life without the benefit of parole.

From the moment he was sentenced, Mr. Olivier did everything he could to fulfill his promise to God. He served as a chaplain's clerk for many years, and eventually pursued and received a bachelor's degree in Christian Ministry. Mr. Olivier also did everything possible to better himself. He received his GED, graduated from culinary school, and became certified as a fiber optics technician. He also took the opportunity to learn computer skills while working as the chaplain's clerk.

Mr. Olivier also made lasting relationships while in prison, including with a prison chaplain who spoke on Mr. Olivier's behalf at his parole hearing and was instrumental in helping him adjust to life after

prison. Mr. Olivier was also aided by students from Louisiana State University Law School's Parole Assistance and Re-entry Clinic. These students helped Mr. Olivier compile a portfolio for his parole hearing, conducted mock hearings with him, and represented him at his parole hearing. Mr. Olivier says the parole hearing could have been a travesty without counsel. He could have received questions he did not know how to answer; so many things could have gone wrong without representation. These law students also became his lifelong friends – they were waiting at the gate with his wife upon his release, two of them came to his wedding, and he and his wife plan to attend their law school graduation.

Mr. Olivier also had the opportunity to speak to the mother of his victim. Mr. Olivier looked her in the eyes, owned what he had done to her son, and asked for forgiveness. The victim's mother forgave Mr. Olivier and told him he deserved a second chance. The victim's mother spoke on his behalf at his resentencing hearing, and Mr. Olivier received life without parole.

When Mr. Olivier was released, he immediately began making the most of his new life. He got married and became a step-father, had a son with his wife, got a job as a natural gas operator, and became the youth

pastor at his church. He also travels the country sharing his story and his message of hope: “Don’t give up no matter what your life is like. What God did in my life, he can do in yours.”

When he reflects on his time in prison, Mr. Olivier sees the good it did for him. “It helped me enjoy every moment, and not to take anything for granted. I enjoy things that might make people pull their hair out, like sitting in traffic, because just a few years ago, I was serving a life sentence. So make the most of every moment.”

### **B. Laura Berry**

Ms. Berry is a Regional Connector for the Incarcerated Children’s Advocacy Network (“ICAN”), a national coalition of formerly incarcerated youth that advocates for age-appropriate sentencing alternatives to life without parole. Ms. Berry serves in this role because she knows the needs of children in at-risk circumstances, and she cherishes the opportunity she has to speak at public events and conferences. But not that long ago, Ms. Berry sat in a maximum-security adult detention center with no hope for life beyond prison walls or the possibility to influence the policies that changed her life.

Ms. Berry's path to prison started when she became involved in an abusive relationship. Growing up in Arkansas, she had very little oversight. Raised by a mentally challenged mother and a blind father, her parents' challenges left her with no one to guide her, and she ultimately made a series of bad decisions. As a teenager, Ms. Berry began drinking and hanging out with bad influences. Looking for love in a way she was not receiving at home, she began dating a man two years older than her and became pregnant. He gave her the attention she so desperately desired, and she willingly followed him.

In early 1985, Ms. Berry's boyfriend robbed her aunt, a well-respected woman in the local community. When Ms. Berry's aunt confronted him, he killed her. Although Ms. Berry was not present during the altercation, she hid the murder weapon for her boyfriend because she thought it would demonstrate her love for him. Ms. Berry did not comprehend the ramifications of her action. Like most others, she did not understand that under the law, her conduct would equal her boyfriend's violent act. But she was considered an accessory after the fact and charged with the felony of first-degree murder. She entered



prison that March as a teenager to await her trial and at trial, she was found guilty and sentenced to life without the possibility of parole.

At seventeen, Ms. Berry was convicted of first-degree murder and sentenced to life without the possibility of parole. Eventually, she was granted a second trial, and her sentence was changed to life with the possibility of parole. Yet for decades, that possibility of parole still seemed unlikely.

When she entered the prison in March of 1985, she was afraid, pregnant, and did not realize her devotion to her boyfriend had been misplaced. Ms. Berry began her sentence with a dismal outlook that she would spend the rest of her life incarcerated. She could not foresee that the culmination of her experiences would one day help other children avoid a similar path.

In prison, she was frequently bullied and was the victim of verbal and physical abuse from fellow prisoners and guards alike. She was ostracized by all; from her first day in prison, the guards often told her she would “fry” for her crime. Other inmates, all older than her, were violent toward her and provoked her into fighting. She felt like she was made a “target” by the guards and prisoners who made it their mission

to make her feel unsafe. Nine years into her incarceration, she was even sexually assaulted by a correctional officer, became pregnant, and gave birth to a son.

But Ms. Berry did not let these conditions defeat her. With the help of a mentor and one caring correctional officer, who each took a personal interest in her success, Ms. Berry began to overcome her obstacles. Though she did not initially comprehend how her abusive relationship with her boyfriend had affected her, she reluctantly enrolled in battered women and domestic violence courses. Several months into her incarceration, Ms. Berry earned her GED. Following the birth of her son nine years into her imprisonment, she became even more determined to become a better person to set an example for her newborn child. Despite being informed that women serving life sentences were ineligible to take enrichment and higher-level education courses, Ms. Berry found creative ways to still participate in those courses. She began mentoring and counseling other inmates who had also dealt with domestic abuse and trauma. Through her mentoring and counseling, she was able to participate in programs that also bettered her.

After trying to work around the educational ban to improve herself, in 2001, Ms. Berry was selected as one of only five women in the Arkansas prison system to participate in a newly created 1400-hour vocational program for those serving life sentences. She was one of only three women who graduated, and through that program earned a certificate in Secretarial Science. Ms. Berry thought she had reached the pinnacle of her successes.

After spending more than three decades in a maximum-security prison, Ms. Berry was given the possibility of life outside the prison walls after the Supreme Court's decision in *Miller*. In 2017, Ms. Berry was granted the opportunity to be heard by the parole board. Ms. Berry had known her attorney for years, and he fully supported her release.

Ms. Berry's attorney was instrumental in preparing her for her September 2017 parole hearing. He collected all of the relevant paperwork, prepared what she describes as a binder of hundreds of pages that was a few inches thick, and prepared her for sitting before the parole board. When Ms. Berry sat before the Arkansas parole board, she did so with her attorney, a stack of commendations, and the support she never had as a child. Ms. Berry has no doubt that her attorney's support was

critical to her preparation. With the help of her attorney, she secured seventeen people to attend her parole hearing, seven of whom spoke on her behalf. The parole board heard from Ms. Berry's mentor, the people Ms. Berry mentored, and Ms. Berry's mother. With this support, Ms. Berry was able to convince the parole board that her mistake three decades earlier was not a complete picture of who she was and did not define her as a person. She demonstrated that while incarcerated, she grew into a mature adult who overcame the circumstances of her childhood and that she deserved a second chance. Ms. Berry was granted parole, and on December 17, 2017, was released from prison.

Since being released, Ms. Berry has continued to do everything she can to better herself and help those around her. She is employed, she is a caretaker, and she is a mentor. Ms. Berry also acts as an advocate to make sure the mistakes of their youth do not define others. She travels around the country, sharing her story and counseling adolescents to avoid the same mistakes she made as a child. She also aids prisoners who have made similar strides towards rehabilitation and are scheduled to re-enter society. That is not to say things have been easy for Ms. Berry. Yet her choice to press forward and help those around her exemplifies

why her presence outside prison walls is a benefit for society. As Ms. Berry explains, “I’m just thankful for the opportunity to finally be judged on the things I did right and not merely on the things I did wrong.”

### **C. Louis Costa**

Louis Costa grew up in Boston’s North End in a neighborhood run by organized crime. Mr. Costa’s father was a well-known member of the Mafia who was incarcerated for most of Mr. Costa’s life. Although Mr. Costa’s mother and grandparents tried to push him away from the Mafia lifestyle, Mr. Costa got respect and acknowledgment because of his father, which caused Mr. Costa to idolize his father and want to be like him.

He began running errands for neighborhood men who were associated with organized crime, and in 1986, at the age of sixteen, Mr. Costa, along with two accomplices, shot and killed two other men. As a sixteen-year-old, he did not fully appreciate the consequences of his actions. At twenty-three, Mr. Costa’s conviction was vacated, his case was remanded for a new trial, and he was released from prison for fifteen months. Following a new trial, he was found guilty on two counts of first-degree murder and returned to prison at twenty-four to serve two life

sentences without the possibility of parole. His brief release in his mid-twenties made clear to him the life he had forgone as a result of his poor choices.

Mr. Costa got the chance to meet his father because they were incarcerated in the same prison. Once he knew his father, he realized there was no real bond between them. He saw things about his father's personality that he did not like and eventually went his separate way. When Mr. Costa's father passed away in prison, Mr. Costa felt sorry for him. He thought that it was a shame he had to live his life and die in prison.

While in prison, Mr. Costa received a degree from Boston University. Mr. Costa, three fellow inmates, and one of his professors founded a restorative justice program to help the families of victims begin the healing process and help defendants empathize with the people they have harmed.

Mr. Costa credits the programming he completed in prison – especially restorative justice – with preparing him for his release. The restorative justice program was so impactful because it gave him deep insight into the pain and suffering he caused two families. Mr. Costa

always regretted his actions but had never thought about it deeply before his participation in the program. While in the program, he sat with families who lost loved ones to violence, listened to their stories, and witnessed their pain first-hand. Mr. Costa's crimes went against the values his grandparents instilled in him, but those lessons were always within him even though Mr. Costa was too immature as a child to appreciate those values. He did not want to cause anyone pain and deeply regrets what he did.

Mr. Costa first went before the parole board in July 2016. The board issued a detailed decision on why it denied Mr. Costa parole, including its belief that Mr. Costa would benefit from additional programming. After reading the board's decision, Mr. Costa enrolled in other programming and focused on continuing positive behavior and staying out of trouble. Mr. Costa was report free from 1989 until his release in 2018.

At both of his parole hearings, Mr. Costa was represented by his long-time pro bono appellate attorney. Mr. Costa's attorney prepared all the necessary materials for the hearings, gathered letters of support from the community, examined Mr. Costa at the hearings, and made opening

and closing statements. Mr. Costa says the work his attorney did was phenomenal. Just knowing his lawyer was on his side gave him the confidence and comfort he needed during his hearings. Mr. Costa believes he would have been unprepared for the hearings without counsel. He considers his attorney instrumental in securing his parole.

Following his release, Mr. Costa taught a restorative justice and criminal justice class at Boston College Law School, something he would love to do again. He is grateful to have a job in construction so he can save money for his future. He has supportive family and friends that have stuck by him for 32 years, and he is grateful for the chance to strengthen his relationships with them.

#### **D. Christopher Williams**

Christopher Williams lives a life that most would consider boring: he goes to work, deals with traffic, goes home and pays bills. He works in construction and is a small business owner. Mr. Williams is also a new home-owner and recently married. He simply deals with everyday moments, be they joys or challenges. Yet his “unexciting” life is one that Mr. Williams truly appreciates because it is a life that not long ago seemed like a dream. Before the Supreme Court’s decision in *Graham*,



Mr. Williams was sentenced to life in prison for his role in the commission of first-degree murder while he was an adolescent.

Mr. Williams grew up in a troubled home in Las Vegas, Nevada. His mother struggled with a gambling addiction, and he explains her behavior further triggered his father, who was prone to abusive and violent behavior. As young children, Mr. Williams and his siblings endured significant abuse at their father's hands. He recalls he and his siblings greeting his father at the end of his 18-work hour shifts only to be met with physical and mental abuse. Mr. Williams's father would often line up his children and take turns beating them one by one. Mr. Williams often tried to protect his siblings, at times acting up just to draw his father's anger toward himself instead of his siblings. But as physical abuse became a daily occurrence, Mr. Williams began to feel less and less safe in his own home. He suffered through his experiences and closed himself off. He describes suppressing his feelings and lacking empathy. As a child, Mr. Williams needed an escape, so to leave the violence at home behind, Mr. Williams ran away frequently.

But Mr. Williams remembers feeling very alone after running away. Despite continuing to go to school, no one ever asked him why he

ran away, whether he needed anything, or if he even had a place to stay. Eventually, Mr. Williams began to act out at school, but even then, no one bothered to explore his reasons. Eventually, he quit going to school to search for something or someone to replace the family he left behind.

He thought he found what he was looking for when the man who would eventually become one of his co-defendants befriended him. The man was a few years older than he was and had already been to prison, but he was very charismatic and convinced Mr. Williams that he cared about him. Mr. Williams grew to care for and trust his new friend but never thought his trust would lead him down a path that would change his life forever.

When Mr. Williams was 17 years old, his friend persuaded him to participate in a murder. Following his friend's lead, in March of 1991, Mr. Williams made the gravest mistake of his life by helping to take the life of another. Mr. Williams was not immediately a suspect, but his guilt and understanding of the weight of his crime eventually caused him to turn himself in to face the consequences of his actions. Mr. Williams was charged with, tried, and found guilty of first-degree murder. He was sentenced to death and sent to an adult facility.

Mr. Williams entered prison as a hopeless, stubborn, and immature boy. Without his friend around, Mr. Williams felt like he had no support or anyone who cared about him. Because Mr. Williams did not know how to cope with these feelings or the reality of his sentence, Mr. Williams spent the first three years on death row, frequently fighting and being sent to segregation. However, several years into his sentence, he decided to change his life. He decided it was time to stop allowing his childhood and circumstances to dictate his behavior.

Eventually, Mr. Williams was granted a new trial and resentenced to two life sentences without the possibility of parole. Mr. Williams still did not believe he would ever experience life outside of prison, but he was determined to make the best of his situation. Mr. Williams began working while in prison. He earned his GED, and by 2001 received his high school diploma. He also enrolled in classes to better himself as a person and voluntarily attended self-help and therapy sessions. He also took additional educational courses, and even received a \$10,000 merit scholarship, the Millennium Scholarship, in 2001 after receiving his high school diploma. Still believing he would never live outside of prison, he focused on one goal: being transferred to a medium security facility so he

could attend college. In 2001, he achieved that goal and was transferred to High Desert State Prison, where he enrolled in college. While incarcerated, Mr. Williams took every available college course toward his associate degree. By 2017, he was only one class shy of his degree.

Then, in 2017, after the *Graham* and *Miller* decisions, Mr. Williams was granted an opportunity to sit before the parole board. As Mr. Williams explains, his attorney was instrumental in preparing him for and representing him at the hearing. His attorney prepared a substantial dossier for Mr. Williams and spoke to the parole board on his behalf. With the benefit of his file, his attorney's assistance, and his family's support, Mr. Williams prepared a statement for the parole board. On the day of his hearing, Mr. Williams laid out his life for the panel, and his lawyer spoke on his behalf. At that moment, he felt like he was no longer dealing with the pressure of life and its obstacles alone.

He described his upbringing and the changes he made for himself while in prison and requested his freedom with an outlook of hope. Unfortunately, the parole board initially denied his request but recommended completing a non-mandatory course before reapplying to appear before the parole board. Still, Mr. Williams did not lose his hope.

He enrolled in the recommended course with a curriculum that helped him prepare for life outside of prison, and after a few months, he completed the coursework. Mr. Williams then renewed his request and was finally granted his freedom. Mr. Williams credits his attorney's help for his release. He says that his attorney's work preparing his case by was more than he expected, but it was that commitment that made the difference with the parole board.

Outside of prison, Mr. Williams takes pleasure in having a stable life, something that he needed as a child and has now achieved and is determined to maintain. As soon as he was released, Mr. Williams completed the last course required to complete his degree and graduated with high honors from the College of Southern Nevada on May 13, 2018. Mr. Williams said that it took him a "long time for an associate's degree, but [he] was determined to get it [and he's] very proud of it." He has demonstrated considerable improvement, and the pride that he now has in his boring life is well-deserved.

## CONCLUSION

For these reasons, the Court should affirm the District Court's order and judgment granting summary judgment and injunctive relief.

Respectfully submitted,

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## CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g)(1), I hereby certify this document complies with the type-volume limits of Fed. R. App. P. 32(a)(7)(B)(i) and 29(a)(5) in that it contains less than 6500 words excluding the parts exempted by Fed. R. App. P. 32(f). I further certify that this document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) in that this document has been prepared in a proportionally spaced typeface (size 14 Century Schoolbook font) using Microsoft Word. The brief has been scanned for viruses pursuant to Eighth Circuit Local Rule 28(A)(h)(2) and is virus-free.

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of Youth*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was electronically filed by using the CM/ECF system. Counsel for all parties will receive a copy of the foregoing document through the CM/ECF system this 20th day of February 2020.

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