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LDF Media
212-965-2200 / media@naacpldf.org

LDF Submits Amicus Brief Opposing Ruling that Punishes People Based on Their Ethnicity and Community

Last Friday, the [Legal Defense Fund](#) (LDF) filed an [amicus brief](#) in the U.S. Court of Appeals for the First Circuit in *United States vs. Flores-González*, in support of the appellant Mr. Emiliano Flores-González.

Mr. Flores-González, a 19-year-old with no criminal history, was sentenced to 48 months in prison – far more than the federal sentencing guidelines recommended and more than either defense counsel or prosecutors requested. The District Court imposed this harsher sentence based on its perceptions about violent crime rates in Puerto Rico, where Mr. Flores-González’s crime took place. In other words, Mr. Flores González’s was punished more harshly not for what he had done but for where he was from.

LDF’s brief describes how enhancing a person’s sentence based on a judge’s perception about other crimes in a community will disproportionately increase sentences for Black people and other people of color. Racial bias, disparate policing patterns, and differential investment levels all artificially inflate both actual and perceived crime rates in Black and Latinx communities. Relying on those skewed data points to enhance sentences is unconstitutional and inconsistent with the federal sentencing scheme.

“Across the country, because of explicit policy choices, communities of color often remain hyper segregated and continue to suffer from systemic disinvestment, social isolation, and racial stereotyping, all of which affect perceived, constructed, and actual rates of crime,” said LDF Criminal Justice Fellow Adam Murphy. “As a result, endorsing upward variants from the federal sentencing guidelines based on perceived community crime characteristics risks condoning more severe punishment based on race, an outcome that flatly contravenes the constitutional principles that criminal punishment must be based on individual culpability, and that all people must be afforded equal protection under the law.”

“Racial bias contributes to perceptions of crime rates in communities of color, which in turn leads to increased policing and surveillance on these same streets,” said LDF Policing Fellow Catherine Logue. “As a result, enhancing sentences based on perceptions of community crime rates will trap communities of color in a cycle of discrimination and incarceration that is deeply at odds with both public safety and justice. The Court must not allow this.”

Read the full amicus brief [here](#).

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Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.