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LDF Files Amicus Brief Arguing that Juvenile Life Without Parole Violates the Michigan State Constitution

Today, the [Legal Defense Fund](#) (LDF), joined by Safe & Just Michigan (SJM), filed an [amicus brief](#) in the Michigan Supreme Court, urging the Court to grant review and hold that juvenile life without parole (JLWOP) sentences violate the state's constitutional prohibition against "cruel or unusual" punishment. The brief is filed in support of Efrén Paredes, who was sentenced to JLWOP in 1989 for a homicide he committed at 15 years old. After the United States Supreme Court prohibited mandatory JLWOP sentences in *Miller v. Alabama* (2012) and required that people already serving JLWOP sentences must have the opportunity to be re-sentenced in *Montgomery v. Louisiana* (2014), Efrén became eligible for re-sentencing. The Court in *Miller* and *Montgomery* recognized that children like Efrén are "constitutionally different for purposes of sentencing" and that courts must therefore account for their youth, culpability, and capacity for rehabilitation before imposing such a severe sentence. Efrén was re-sentenced to JLWOP, which was affirmed despite a strong legal presumption against such sentences.

JLWOP sentences are inherently severe and, by definition, deprive children of their rehabilitative potential," said Patricia Okonta, LDF Assistant Counsel. "As Efrén's case demonstrates, Michigan's administration of such sentences continues to deny too many children of color the protections required by *Miller* and the more robust protections provided by the Michigan Constitution. For those reasons, we respectfully urge the Court to grant review and hold that JLWOP sentences violate Michigan's 'cruel or unusual' punishment provision."

"Michigan has the highest population of people serving JLWOP sentences in the country," said John Cooper, Executive Director of SJM. "In outlier states like Michigan that have resisted the national trend by continuing to impose JLWOP sentences, racial disparities persist. Continuing to endorse such extreme and racially disparate sentences does not make us safer, is inconsistent with a functioning democracy, and is antithetical to the command that we purge racial prejudice from the administration of justice."

LDF's brief argues that Efrén's case and other Michigan cases where JLWOP has been imposed since *Miller* illustrate the risk of courts failing to appropriately consider the youth of nonwhite children. While the *Miller* factors may be race-neutral, the application of those factors in a fair and equitable manner is compromised by racialized perceptions of who is dangerous, who is feared, and who is viewed as more mature than their biological age. Those biases, LDF's brief explains, contribute to the disproportionate criminalization of Black children and other children of color, and has long led too many decisionmakers to view them as older, more culpable, and less

capable of rehabilitation than white children — the precise factors that determine whether to sentence a child to die in prison.

This phenomenon, known as “adultification bias,” continues to influence juvenile sentencing in Michigan and limits *Miller’s* protections for children of color. According to [recent reports](#) published by the Campaign for Fair Sentencing of Youth, children of color today make up approximately 34% of Michigan’s children but comprise 82% of people initially sentenced to die in prison over the last 10 years. Black children make up only 16% of Michigan’s children but comprise 71% of people sentenced to die in prison since *Miller* — up from approximately 66% before *Miller*.

Behind those statistics are stories like Efrén’s. In Efrén’s case, the re-sentencing court concluded that 15-year-old Efrén was “rather mature” at the time of his crime. While the court acknowledged that his age should have been mitigating, it nonetheless held that his immaturity was “a neutral factor” because Efrén “was an honors student” and “was involved in teams and clubs” while in school.

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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.