

STATE OF NEW JERSEY,

Respondent,

v.

JAMES COMER,

Appellant.

SUPREME COURT OF NEW JERSEY
Docket No. 084509

ON APPEAL FROM SUPERIOR COURT OF
NEW JERSEY, APPELLATE DIVISION
Docket No. A-1230-18T2

Criminal Action

SAT BELOW:

Hon. Jack M. Sabatino, P.J.A.D.

Hon. Thomas W. Summers, J.A.D.

Hon. Richard J. Geiger, J.A.D.

**BRIEF OF AMICI CURIAE
CAMPAIGN FOR THE FAIR SENTENCING OF YOUTH,
INCARCERATED CHILDREN'S ADVOCACY NETWORK,
NEW JERSEY PARENTS' CAUCUS, TRANSFORMATIVE JUSTICE INITIATIVE,
THE BEYOND THE BLINDFOLD OF JUSTICE PROJECT, FORMERLY
INCARCERATED YOUTH, AND NEW JERSEY INCARCERATED YOUTH
IN SUPPORT OF DEFENDANT-PETITIONERS JAMES COMER AND JAMES ZARATE**

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PRELIMINARY STATEMENT

Amici Curiae submit this brief in support of Petitioners James Comer and James Zarate to share the stories of formerly incarcerated youth who have been released after serving *less than thirty years* for homicide offenses and are now productive members of their communities. These real life examples demonstrate the unique rehabilitative potential of young people who have committed serious crimes, which the U.S. Supreme Court recognized when it found that “children are constitutionally different from adults for purposes of sentencing” because of their “diminished culpability and greater prospects for reform.” Miller v. Alabama, 567 U.S. 460, 471 (2012).

Like Petitioners, the formerly incarcerated youth highlighted in Section II below were convicted of serious crimes as children and initially sentenced to life without parole. But unlike Petitioners, they were convicted in jurisdictions where they were given a “chance to demonstrate growth and maturity” after Miller and Montgomery v. Louisiana, 136 S. Ct. 718 (2016), and they were not required to serve additional time to satisfy an arbitrary mandatory minimum sentence that fails to account for the transient immaturity of youth, see Miller, 567 U.S. at 479 (quoting Graham v. Florida, 560 U.S. 48, 73 (2010)).

Louis Gibson, Dominee Meek, Anthony Gomez, Jeremiah Bourgeois, and Eric Campbell matured while incarcerated and are now thriving and contributing meaningfully to their communities. Their stories of reform and redemption are living proof that all

children have the capacity for positive growth and deserve a "chance for fulfillment outside of prison walls" and for "reconciliation with society." Graham, 560 U.S. at 79.

In Section III, Amici also share the stories of Lawrence Bell, Hector Valentin, Dexter Tyson, Ibrahim Sulaimani, and Christopher White, who were convicted in New Jersey of serious offenses when they were minors and sentenced to mandatory minimum terms of at least thirty years. These men share similar stories of rehabilitation with Louis, Dominee, Anthony, Jeremiah, and Eric, but they became or will become eligible for release only after serving at least three decades or more behind bars under New Jersey's draconian sentencing laws. Upholding this arbitrary thirty-year mandatory minimum and the lower courts' misapplication of the Miller factors to Mr. Zarate would deprive these and other incarcerated youth of the "meaningful opportunity to obtain release" first promised in Graham and later by this Court in State v. Zuber, 227 N.J. 422 (2017).

The thirty and forty-two-and-a-half year sentences without the possibility of parole imposed on Petitioners Comer and Zarate, respectively, were not the result of a holistic assessment of their "characteristics and circumstances" required under the Eighth Amendment to the U.S. Constitution and Article I, paragraph 12 of the New Jersey Constitution. Miller, 567 U.S. at 476; Zuber, 227 N.J. at 438. Indeed, the lengthy period of parole ineligibility mandated by N.J.S.A. § 2C:11-3b(1) treats waived young people exactly the same as adults and ignores their

unique rehabilitative potential by failing to afford them the individualized assessment that is constitutionally required. The imposition of a forty-two-and-a-half year period of parole ineligibility for an offense committed by a fourteen-year-old likewise overlooks that young people are capable of reform, as further evidenced by the trial court's misapplication of the Miller factors to Mr. Zarate.

In sum, the practical effect of the decisions on appeal is that young people who commit serious offenses are not given a meaningful opportunity to seek release once they can demonstrate their maturation and rehabilitation. It is imperative that sentencing laws such as N.J.S.A. § 2C:11-3(b)(1) and the resentencing hearings resulting from the Miller/Zuber decisions account for the unique rehabilitative potential of these youth and actualize the Supreme Court's pronouncement that "children are constitutionally different from adults." Miller, 567 U.S. at 471. New Jerseyans currently serving lengthy sentences for crimes committed as minors, and many others, are patiently waiting for the promise of Miller and Zuber to be fulfilled. Amici respectfully request that the Court provide lower courts with the necessary tools and guidance to do so.

STATEMENT OF INTEREST OF AMICI CURIAE¹

The Campaign for the Fair Sentencing of Youth ("CFSY") 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. CFSY 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 impact 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 CFSY. ICAN's mission is to address youth violence through restorative means and advocate for age-appropriate and trauma-informed alternatives to extreme sentences for children. 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

¹ Amici are filing identical briefs in State v. Comer and State v. Zarate because the stories of formerly and currently incarcerated youth serve to highlight youthful offenders' unique capacity for rehabilitation by providing living examples of positive change, which Amici respectfully request the Court to consider in both appeals. Many individuals beyond James Comer and James Zarate will be impacted by the Court's decisions in these cases, and these real-life stories demonstrate the importance of having sentencing laws and Miller/Zuber resentencing hearings that adequately account for the distinct attributes of youth.

children's unique capacity for rehabilitation by providing living examples of positive change.

New Jersey Parents' Caucus ("NJPC") is a statewide advocacy coalition of parents, caregivers, and young adults whose mission is to ensure families raising children with emotional, behavioral, mental health, and substance abuse challenges are involved in the development and delivery of services in the children's mental health, juvenile justice, child welfare, and special education systems. NJPC seeks to improve outcomes for justice-involved youth in New Jersey by advocating for fair sentences for youth. NJPC works to meet these goals by, among other things, tracking and corresponding with current and formerly incarcerated youth and their loved ones; educating youth and their loved ones on their rights, responsibilities, and juvenile justice advocacy; training juvenile justice professionals and providers; and providing leadership opportunities to justice-involved youth.

Transformative Justice Initiative ("TJI") is comprised of consultants with lived experiences in carceral spaces. Founded in 2019 by Antonne Henshaw and Ibrahim Sulaimani, TJI challenges the culture of corrections, reentry, and the public perception of carceral citizens. Through its NuEntry initiative, TJI provides peer-on-peer mentoring to facilitate reentry. TJI's NuEntry Opportunity Specialists meet returning citizens "at the gate" and conduct a needs-assessment which allows TJI to effectively aid in the transition from carceral spaces to citizenry. Additionally,

TJI's Imprints program partners with the CYLAB Community Youth Leader Advisory Board and the Camden Center for Youth Development to have a positive impact on children before they become system-involved. TJI uses members' lived experiences in carceral spaces and successes to "imprint" on young people that there is more to life than those things that lead to jail and prison.

The Beyond the Blindfold of Justice Project ("BBJP") advocates on behalf of minors and emerging adults whose age was not considered as a mitigating factor when they were sentenced to adult terms of confinement. Led by Jeremiah "J.J." Bourgeois, who serves as its Director, BBJP works in collaboration with Freedom Project WA, a 501(c) (3) nonprofit whose mission is to dismantle the institution of mass incarceration and heal its traumatic effects on marginalized communities. Freedom Project WA connects people to critical support, facilitates co-learning on racial equity, anti-oppression, compassionate communication and mindfulness, and collaborates with community partners to advocate for systemic change in the criminal legal system.

The Formerly Incarcerated Youth Amici are formerly incarcerated, out-of-state youth who received life sentences. In light of the U.S. Supreme Court's decisions in Miller and Montgomery and subsequent state legislation, these individuals received a meaningful opportunity to demonstrate their maturity and rehabilitation and have since been released on parole. These amici were convicted of homicide offenses that would have barred them from parole eligibility for thirty years pursuant to

N.J.S.A. § 2C:11-3(b)(1) had they been convicted in New Jersey. Fortunately for them, the sentencing laws in the jurisdictions where they were convicted did not require them to serve a mandatory minimum of thirty years, and they were all released on parole after serving terms that ranged from fourteen to twenty-eight years.

The New Jersey Incarcerated Youth Amici were convicted of homicide offenses as adolescents in New Jersey and sentenced to the thirty-year mandatory minimum required by N.J.S.A. § 2C:11-3(b)(1) or longer. They either are currently incarcerated or were recently released after at least three decades in prison. All have records of substantial institutional accomplishments and demonstrate clear evidence of maturation and rehabilitation that occurred long before they had completed the thirty-year statutory minimum, and those who have been released are active, contributing members of their communities.

Amici CFSY, ICAN, NJPC, TJI, and BBJP have a particular interest in this case because the issues on appeal directly affect the mission of these organizations, which includes advocacy for the fair sentencing of youth. The Formerly Incarcerated Youth Amici and New Jersey Incarcerated Youth Amici likewise have a particular interest in this case as they were all convicted of homicides as adolescents and rely on courts to sentence youth within the confines of the Eighth Amendment.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

Amici adopt the Statements of Procedural and Factual History in Mr. Comer's and Mr. Zarate's opening brief before the Appellate Division. See Def. Zarate App. Div. Br. at 1-12; Def. Comer App. Div. Br. at 4-14.

ARGUMENT

I. THE UNIQUE CHARACTERISTICS OF YOUTH REQUIRE DISTINCT AND PROTECTIVE TREATMENT UNDER THE EIGHTH AMENDMENT AND ARTICLE I, PARAGRAPH 12 OF THE NEW JERSEY CONSTITUTION.

As this Court has recognized, youth matters in criminal sentencing. Zuber, 227 N.J. at 448. Individuals who commit crimes while under eighteen years of age are less culpable than adult offenders and are presumed to have the capacity for rehabilitation. See id. at 444 (quoting Miller, 567 at 471). Thus, the characteristics of youth require distinct and protective treatment under the U.S. and New Jersey Constitutions.²

In a series of decisions beginning with Roper v. Simmons, 543 U.S. 551 (2005), and continuing in Graham, Miller, and Montgomery, the U.S. Supreme Court repeatedly found that young people are fundamentally different from adults. Indeed, social science and scientific research has conclusively demonstrated that children are developmentally and neurologically different from adults in ways that make them categorically less culpable. Roper, 543 U.S. at 569; Graham, 560 U.S. at 68; Miller, 567 U.S.

²Notably, Article I, paragraph 12 of the New Jersey Constitution "affords greater protections . . . than does the [E]ighth [A]mendment of the federal constitution." State v. Gerald, 113 N.J. 40, 76 (1988).

at 471. Because "developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds," adolescents require different and more protective procedures when undergoing criminal sentencing. Miller, 567 U.S. at 471-72 (quoting Graham, 560 U.S. at 68). The research supporting that conclusion has "become even stronger" over time. Id. at 472 n.5.

In particular, the U.S. Supreme 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." Id. at 471 (quoting Roper, 543 U.S. at 569) (internal quotation marks omitted); see Montgomery, 136 S. Ct. at 733.

Second, "children have a lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking." Miller, 567 U.S. at 471 (quoting Roper, 543 U.S. at 569) (internal quotation marks omitted). Indeed, the "parts of the brain involved in behavior control continue to mature through late adolescence." Graham, 560 U.S. at 68. Youthful offenders, 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).

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." Miller, 567 U.S. at 471 (quoting Roper, 543 U.S. at 570) (internal quotation marks omitted). Thus, "[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." Graham, 560 U.S. at 68. The signature qualities of adolescence, including 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.

In light of young people's lessened culpability and the diminished justifications for punishing them, the U.S. Supreme Court progressively narrowed the range of permissible sentences for youth. See Roper, 543 U.S. at 575 (minors cannot be sentenced to death); Graham, 560 U.S. at 75 (minors cannot be sentenced to life imprisonment without the possibility of parole for nonhomicide offenses); Miller, 567 U.S. at 476 (minors convicted of homicide cannot be sentenced to mandatory life imprisonment without parole); Montgomery, 136 S. Ct. at 734 (applying the Miller rule retroactively). Most recently, in Jones v. Mississippi, 141 S. Ct. 1307, 1311 (2021), the U.S. Supreme Court once again reaffirmed its findings in Miller.

Collectively, these decisions compel courts to take age and developmental immaturity into account in juvenile sentencing. Miller, 567 U.S. at 473. This Court recognized as much in Zuber: “Indeed, the principles in Graham are at the heart of Roper, Miller, and Montgomery as well. They teach us, in essence, that youth matters under the Constitution” and, as such, “the force and logic of Miller’s concerns apply broadly.” 227 N.J. at 429, 448. Consequently, the Court held that under this line of cases and Article 1, paragraph 12 of the New Jersey Constitution, New Jersey courts must consider the Miller factors when imposing a “lengthy period of parole ineligibility” upon a young person, whether for one or more offenses. 227 N.J. at 447.

Amici--particularly CFSY--have participated in, studied, observed, and/or tracked hundreds of post-Miller resentencing and/or parole hearings. As an initial matter, racial disparities plagued the imposition of juvenile life without parole (“JLWOP”) sentences. According to a nationwide survey conducted in 2012 (the year Miller was decided):

Sixty-two percent of people serving JLWOP, among those for whom racial data are available, are African American. While 23% of juvenile arrests for murder involve an African American suspected of killing a white person, 42% of JLWOP sentences are for an African American convicted of this crime. White juvenile offenders with African American victims are only about half as likely (3.6%) to receive a JWLOP sentence as their proportion of arrests for killing an African American (6.4%).

Ashley Nellis, The Lives of Juvenile Lifers: Findings from a National Survey, The Sentencing Project (Mar. 2012), <https://sentencingproject.org/wp-content/uploads/2016/01/The-Lives-of-Juvenile-Lifers.pdf>.³

Jurisdictions have varied in implementing Miller. See Kallee Spooner & Michael S. Vaughn, Sentencing Juvenile Homicide Offenders: A 50-State Survey, 5:2 Va. J. Crim. L. 130, 147-49 (2017). Of the approximately 2,800 people serving JLWOP sentences across the country at the time of the Court's Montgomery ruling in 2016, about twenty-five percent have been released, about forty-nine received reduced sentences, about twenty-three percent still have their original life sentence

³ While Amici are not aware of any studies focused on the racial demographics of youthful offenders who would be entitled to a resentencing hearing under Zuber, a 2016 study found that New Jersey had the highest racial disparities in the nation among black and white prisoners. Ashley Nellis, The Color of Justice: Racial and Ethnic Disparity in State Prisons, The Sentencing Project (June 2016), <https://www.sentencingproject.org/wp-content/uploads/2016/06/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>. Severe racial disparities continue to persist amongst waived youth in New Jersey. The most recent juvenile waiver report indicates that during 2016-2017, 58% of waivers granted were for African-American youth, 32% for Hispanic youth, and 8% for White youth. Notably, the disparities were present even when controlling for the severity of the offense: "For every 100 youth of color charged with a 1st/2nd degree offense in court, 2.96 were waived, as compared to 1.02 of every 100 white youth charged with a 1st/2nd degree offense. Youth of color comprise 82% of all youth charged with 1st/2nd degree offenses and 93% of all waivers granted for 1st/2nd degree offenses. White youth comprise 18% of all youth charged with 1st/2nd degree offenses, and 7% of all waivers granted for offenses of the 1st/2nd degree." N.J. Off. Att'y Gen., Juvenile Justice Comm'n, Juvenile Waiver Practice in New Jersey 1, 21 (July 2019), https://www.nj.gov/oag/jjc/2019-1011_Waiver_Report_2016-2017.pdf.

without parole, and approximately three percent have been resentenced again to life without parole. See National Trends in Sentencing Children to Life without Parole, CFSY (Feb. 2021), <https://cfsy.org/wp-content/uploads/CFSY-National-Trends-Fact-Sheet.pdf>. Notably, these youthful offenders generally experienced an initial wait period of twenty-five years before a first review by a parole board, which is still five years below New Jersey's thirty-year mandatory minimum. Youth Sentenced to Life Imprisonment, The Sentencing Project (Oct. 8, 2019), <https://www.sentencingproject.org/publications/youth-sentenced-life-imprisonment/>.

Pursuant to Miller, a sentencing court must engage in an individualized assessment that "tak[es] account of [the] offender's age and the wealth of characteristics and circumstances attendant to it." 567 U.S. at 476-78 (identifying five factors for the sentencing court to consider as part of its assessment). No one factor can be dispositive. Rather, the inquiry must be individualized to each young person, and courts must consider all relevant factors. Id. at 478-79.

In Amici's collective experience, however, courts too often focus disproportionately on offense severity, contrary to Miller's "central intuition" that even youth who commit heinous crimes are capable of change. Montgomery, 136 S. Ct. at 736. Under Miller, the circumstances of the offense are only a starting point. Nonetheless, sentencing courts routinely use the severity of a crime to justify excessively long sentences,

including those at or near life without parole. Such approaches are inconsistent with Miller because they do not fully engage in the individualized and holistic assessments that are constitutionally required.

Homicide offenses are by their nature serious crimes. See Maynard v. Cartwright, 486 U.S. 356, 364 (1988) (“[A]n ordinary person could honestly believe that every unjustified, intentional taking of human life is ‘especially heinous.’”). That is why the U.S. Supreme Court has warned that sentencing courts must not allow the “brutality or cold-blooded nature of any particular crime” to “overpower” the analysis of whether a sentence is constitutionally permissible. Roper, 543 U.S. at 573; Adams v. Alabama, 136 S. Ct. 1796, 1800 (2016) (Sotomayor, J., concurring in the decision to remand for resentencing) (the “gruesomeness of a crime is not sufficient” to conclude a defendant is the rare youthful offender who can constitutionally receive the harshest punishment).

“Incapacitation cannot override all other considerations, lest the Eighth Amendment’s rule against disproportionate sentences be a nullity.” Graham, 560 U.S. at 73. The underlying appeals challenging the outcome of a Miller resentencing hearing are the first to reach this Court since it issued its decision in Zuber, and there are many others in the pipeline and still awaiting a resentencing hearing in the trial court. Through these appeals, the Court has an opportunity to ensure that the Miller factors are being appropriately applied below, and that

the sentencing laws as applied to young people comport with the limitations of the U.S. and New Jersey Constitutions.

II. THE STORIES OF FORMERLY INCARCERATED JUVENILE LIFERS FROM OTHER STATES ILLUSTRATE THEIR "GREATER PROSPECTS FOR REFORM" WELL BEFORE THIRTY YEARS OF IMPRISONMENT.

Incarcerated youth are constitutionally entitled to "some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation." Graham, 560 U.S. at 75. As the rehabilitative journeys of Louis, Dominee, Anthony, Jeremiah, and Eric set forth below illustrate, the "bad acts [they] committed as a teenager are not representative of [their] true character." Id. at 79. Their examples show young people are developmentally capable of change when given a chance. Each of these individuals had histories of violent crime but succeeded in becoming productive and law-abiding citizens following their release from prison. Their accounts are representative of so many incarcerated young people whose lives could embody Graham's vision of a "meaningful opportunity to obtain release" if given a chance to demonstrate rehabilitation and maturation without the shackles of a thirty-year mandatory minimum. 560 U.S. at 75.

A. Louis Gibson

Louis Gibson is a dedicated social worker, faithful husband, and a loving father. Through his hard work with the Louisiana Parole Project and Catholic Charities USA, Louis guides and assists formerly incarcerated individuals as they re-enter society. However, if not for Miller and Montgomery and Louisiana's subsequent twenty-five-year parole eligibility

statute (La. Stat. Ann. § 15:574.4), Louis would likely still be incarcerated. While advocates and lawmakers often emphasize juvenile justice reform as a "second chance," Louis urges the Court to consider whether incarcerated youth, like him, were ever given a "first chance" due to the circumstances into which they were born.⁴

Louis grew up in a poor and dilapidated area of New Orleans, Louisiana where gangs--referred to by locals as "crews"--seemed to be the only people making money. His father was not around, and his mother struggled with addiction. As a result, from a very early age, Louis assumed an "adult role" as the primary caretaker for his mother and sisters. Influenced by the neighborhood crews, Louis began earning his own income and supporting his family through drug dealing. He moved into his first apartment, alone, when he was only thirteen years old.

⁴ In 2012, The Sentencing Project released findings from a survey of people sentenced to life in prison as juveniles and found:

- 79% witnessed violence in their homes regularly;
- 32% grew up in public housing;
- Fewer than half were attending school at the time of their offense;
- 47% were physically abused; and
- 80% of girls reported histories of physical abuse and 77% of girls reported histories of sexual abuse.

Nellis, [The Lives of Juvenile Lifers: Findings from a National Survey](https://www.sentencingproject.org/publications/the-lives-of-juvenile-lifers-findings-from-a-national-survey/#:~:text=Ashley%20Nellis%2C%20Ph.,national%20survey%20of%20this%20population), <https://www.sentencingproject.org/publications/the-lives-of-juvenile-lifers-findings-from-a-national-survey/#:~:text=Ashley%20Nellis%2C%20Ph.,national%20survey%20of%20this%20population>.

While he continued to attend school, he stopped doing schoolwork in the fifth grade, and no adult attempted to re-engage him.

Louis's lifestyle (which he characterizes as "a young guy who was holding his own") eventually paved the way for his offense. In his neighborhood, the crews began "challenging each other" for territory, which led to a day-long, on-and-off, shootout across various locations in March 1993. The chaotic day ended at a nightclub, where, among a flurry of gunfire, Louis fatally shot another individual. Louis was seventeen. He was arrested, tried as an adult, convicted of second-degree murder after a five-day jury trial, and sentenced to life without parole.

As Louis explained, his sentencing is when "reality hit" and when he almost "lost [his] mind." "How do you do a life sentence?" Louis recalled asking himself at age twenty. "Like what do you do? . . . That's something to me that'll make you go crazy." His immediate focus became survival.

When he was about twenty-six, Louis's survival-only mindset began to "shift." He began hanging out with inmates in the law library. He took law, drama, substance abuse, and literary art classes and participated in religious, self-help, and other educational programs. In his literary arts class, Louis researched and wrote an essay on the African American slave trade, which made him reflect on his past actions: "Like I'm doing all this foolishness," he recounted, "when all these people went through all this hell, you know? Like I need to change my

lifestyle and change the way I view life in general." This is when, as Louis described, his eyes began "opening up" and he reached a "turning point." After this project, Louis made a commitment to "strive to better himself every day" and eventually earned his GED and a diploma in culinary arts. Through a commitment to hard work, he later earned a spot at the Louisiana state police barracks, where he washed and serviced state police helicopters.

Louis's rehabilitation-focused mindset, coupled with changes in federal and state law, eventually led to his release after serving twenty-five years. Louis secured a job with the Louisiana Parole Project, where he has worked for over two years. There, he mentors individuals who are released on parole and re-integrating into society by helping them find employment and housing. He does the same work for Catholic Charities USA.

Over two years after release, Louis is employed full-time, married, and has a fourteen-month old boy, with whom he is enamored. Louis hopes his experience will encourage this Court to consider the growth he and so many formerly incarcerated youth have shown. For example, the Louisiana Parole Project, since its inception in 2016, has supported about 200 individuals on parole, including about sixty juvenile lifers. Louis is proud to note that *none of the juvenile lifers have re-offended*, and only one program participant in total has re-offended.

B. Dominee Meek

Dominee Meek is an asset to the Milwaukee community. He, like many formerly incarcerated juvenile offenders, mentors young people to help them avoid common pit falls that he had fell into years ago. He is a prime example of a young person's immense capacity to grow, mature, and change his perspective on how to navigate life's challenges. However, if not for Miller/Montgomery and legislative amendments that made Dominee eligible for parole after serving twenty years (Wis. Stat. Ann. §§ 973.014(1), 304.06(b)), Dominee would likely still be incarcerated.

Dominee was essentially "born into the gang" life: his close relatives and neighbors were members, and his entire neighborhood in Milwaukee "was that gang's community, more or less." This community exposed Dominee to physical abuse, sexual abuse, drug dealing, and other instances of trauma at a young age. It also, however, provided Dominee with a sense of family and protection. Dominee thus followed the path of his "role model," an older relative, and was formally initiated into the gang when he was fourteen years old.

Dedicated to protecting their own, Dominee's gang was in constant conflict with a rival gang that operated in the same geographic area. One day, while riding in a car with older people in Dominee's car, Dominee spotted a rival gang member who had abused a teenage girl affiliated with Dominee's gang. The older gang members said that the rival gang member "had to go,"

and asked someone to do it. Dominee, who wanted to be considered a "man" in the gang (i.e., one who would do anything necessary to protect his own), volunteered. After picking up a shotgun, the older gang members drove to the location where they had seen the rival gang member. Dominee got out of the car and fired two shots. He missed his target, however, and fatally shot an innocent bystander by mistake. Dominee was only fifteen years old.

After his arrest, Dominee was waived into adult court, convicted of first-degree intentional homicide, and sentenced to life in adult prison. About one year into his sentence, when he was sixteen, Dominee disaffiliated from his gang despite the safety risks it posed. Dominee felt he had no other choice if he wanted to turn his life around. From that point on, Dominee focused on his education and rebuilding his relationship with his father. He took classes in custodial maintenance, computer processing, culinary arts, leadership and management, English composition, philosophy, speech, horticulture, electrical and mechanical maintenance, and refrigeration. He participated in an anger management program and received a tutor certification and a dog grooming/training technical degree. Dominee also managed to cultivate a bond with his father, who visited him in prison and provided emotional and financial support.

After serving nearly twenty-eight years in prison, Dominee was released on parole in September 2020. Since his release, Dominee secured a job as an assembler for Generac Holdings Inc.,

a company that builds generators. Dominee also serves as a community leader, encouraging other Milwaukee youth to avoid stumbling down the same path he did as a teenager. As a Regional Coordinator for ICAN, a Milwaukee Team Leader for Wisconsin Alliance for Youth Justice, and a member of the Ex-Incarcerated Persons Organization, Dominee participates in youth-gang-intervention programs, contributes to criminal justice reform advocacy initiatives, and serves as a mentor to formerly incarcerated juveniles.

C. Anthony Gomez

Anthony Gomez works within the same system as the individuals who once prosecuted him for murder. As a paralegal for his former defense counsel, he is now an integral part of the Virginia courthouse community. If not for Miller and Virginia's reformed juvenile criminal justice code (Va. Code Ann. § 53.1-165.1(E)), however, Anthony would likely still be incarcerated.

Anthony grew up in a Bronx neighborhood hit hard by the crack epidemic. When Anthony was in elementary school, his father wrestled with addiction and was ultimately incarcerated. Anthony, whose first language was Spanish, had difficulty in school. He remained in ninth grade for three years, during which time he earned only six high school credits.

Frustrated by formal schooling, in 1996, Anthony moved to Virginia to work with his uncle in construction and moved in with his uncle, aunt, and their children. At seventeen years old, Anthony believed he could start fresh and earn a living there.

Family issues outside of Anthony's control, however, affected his plans. Anthony's uncle struggled with drug abuse like his father, and his aunt had some financial problems. That same year, Anthony was forced to move in with a twenty-seven-year-old neighbor who, unbeknownst to Anthony, had a long history of violence. Within a week of the time they began living together and after sharing alcohol, Anthony and his roommate attempted to rob a Friendly's restaurant at gun-point. During the robbery, Anthony's gun discharged while he tried to duct tape one of the employees' wrists. His bullet hit the employee and killed him. Anthony confessed, was waived to adult court, and pleaded guilty to first-degree murder. The trial court sentenced him to life in prison without parole, plus fifty-three years.

While incarcerated, Anthony realized that "[he] was young and had [his] whole life ahead of [him]" but his life was in jeopardy. Although he sometimes felt hopeless, he never stopped believing that "maybe [he] could have a meaningful life" someday. He realized that reconciliation meant repentance, beginning with the family of his victim. In Anthony's words, "If I end up dying in prison, I would at least leave a legacy that I was sorry for what I did." His victim's family agreed to meet with him, and they talked for eleven hours. He expressed his remorse for his actions, understanding that his words would never bring back their loved one. This meeting "was one of the most humbling things" Anthony "ever had to do in [his] life." Eventually, the

family found it in their hearts to forgive him and later advocated for his grant of parole.

Anthony mentored others in prison, sharing his unique knowledge from spending his early adulthood in the criminal legal system. He also successfully advocated for access to prison classes and programs for lifers who, like Anthony, served as mentors, because prison authorities prioritized non-lifers who wished to participate in such activities. He then took every program the prison offered. He also worked in the prison law library for sixteen years. In nearly twenty-four years of incarceration, Anthony did not receive a *single* disciplinary infraction.

On July 1, 2020, Virginia's new juvenile justice reform legislation (Va. Code Ann. § 53.1-165.1(E)) became effective, making youth eligible for parole after twenty years of incarceration. Anthony was the first person considered for and granted parole under this new legislation.

Since then, Anthony has worked as a paralegal for a criminal defense lawyer he met while incarcerated, assisting prisoners in the law library. He prepares post-conviction release petitions and works on sentencing reform initiatives.

D. Jeremiah J. Bourgeois

Jeremiah J. Bourgeois is a law student at Gonzaga University School of Law who has published several articles on criminal

justice reform with a focus on juvenile justice.⁵ He is a member of the Knights of Columbus, and has a firm commitment to bettering his community and advocating for prisoners and against injustice. Like many other formerly incarcerated individuals, if not for Miller and a change in Washington law granting an opportunity for release after twenty-five years, Jeremiah would likely still be incarcerated today.

Jeremiah is the youngest of three children born to parents who divorced when he was a child. After his parents' divorce, at a young age, Jeremiah began acting out. He started living away from home, sleeping in cars, and selling marijuana. On May 19, 1992, Jeremiah visited a convenience store in Seattle owned by a man who had testified for the prosecution in a criminal matter against Jeremiah's brother. When he entered, Jeremiah shot the convenience store owner, who died as a result, and the owner's business partner, who was seriously wounded. Jeremiah was only fourteen years old at the time. Police arrested him, and he was waived to adult court. Jeremiah went to trial on aggravated first-degree murder and first-degree assault charges. A jury convicted him of both charges, and he was sentenced to life in prison without parole.

Jeremiah had a difficult time grappling with his incarceration at first, believing he was going to spend his

⁵ See generally, Jeremiah Bourgeois Consulting, <https://jeremiahbourgeoisconsulting.com/about/jeremiah-bourgeois> (last visited June 14, 2021).

entire life in prison. When he was around twenty-three years old, however, his mindset shifted to a focus on personal transformation. According to Jeremiah, education was "the one thing" that kept him "grounded and gave him focus." Jeremiah dedicated himself to his studies, learning law and understanding public policy. Among other things, he earned his GED and a bachelor's degree in legal studies and criminology. He also worked as a clerk in the law library, tutored other prisoners who were working to earn their GEDs, and became a contributor to The Crime Report, an online news and information resource site covering criminal justice news and research in the U.S. and abroad.

On October 28, 2019, after twenty-seven years of confinement, Jeremiah was released on parole. He immediately began working as a paralegal, studying to take the Law School Admission Test, and advocating for criminal justice reform. Within seven months of his release, Jeremiah earned admission at Gonzaga University School of Law. When he graduates in 2023, Jeremiah plans to continue working on juvenile justice reform as a lawyer. In addition to his legal studies, Jeremiah consults with lawmakers and academics, lectures to law and undergraduate students, volunteers with the Seattle Clemency Project, and serves as the Director of the Beyond the Blindfold of Justice Project. He has been offered an externship with the Pierce County Prosecutor's Office, and he will soon join the hiring committee of the DuPont Police Department. Jeremiah's case

demonstrates that when young people are afforded appropriate resources and opportunities, they can and do leave prison successfully well before completing thirty years.

E. Eric Campbell

Eric Campbell is a music producer and songwriter, the owner of a music studio, and the Executive Director of SPUD Inc., a non-profit organization dedicated to providing a creative outlet for youth to heal from social conflicts and to understand and manage their emotions through music and classes. Because New York law made Eric, who had been convicted of felony murder, eligible for parole without having to serve a lengthy mandatory minimum sentence, Eric could pursue these meaningful career and community-based opportunities at a far younger age than similarly situated youth in New Jersey.

Eric was raised in a household with two working parents in Bushwick, New York, a neighborhood where families like his were "extremely rare" at that time. Drugs and gun violence dominated Bushwick in 1980s and early-1990s. Eric recalls seeing three guns lying in a park when he was in his early teens and needles and crack vials "everywhere." In 1993, when he was fourteen years old, his mother passed away unexpectedly. Overwhelmed with grief, he turned to his neighborhood friends to occupy his time.

The following year, Eric was walking with a friend around Bushwick when his friend told him he wanted to rob a store. Eventually, his friend (on the advice of an older individual in the area) led Eric to a nearby bodega, and his friend went

inside. After waiting outside for five to ten minutes, Eric entered the store, wondering what was taking so long. Eric saw his friend pointing a gun at a man with his hands in the air. Eric called out to his friend, and the man behind the counter grabbed the gun. Eric's friend and the man began struggling, Eric heard gunshots, and "everything went black." When he woke up, Eric realized a man, who was standing over him, had hit Eric's head with a bat. Noticing his friend had left, Eric ran away, bleeding, and went home. Later, he learned that the man behind the counter died.

At that time, Eric did not understand the magnitude of his role in the victim's death. In January 1995, the police arrested him. He pled guilty to second-degree murder and was sentenced to a seven-years-to-life prison term on January 26, 1996, when he was only sixteen years old.

Eric felt hopeless and that he had disappointed "everyone" when he first entered prison. After some time, however, he focused on his rehabilitation. While incarcerated, he earned his GED and nine community college credits. He also served as a victim awareness and conflict resolution instructor, participated in educational and rehabilitative programs, and held numerous jobs. By 2001, when he was twenty-one years old, he had received certificates for Victim Awareness, Aggression Replacement Training, ART Modalities, Law Related Education, and Conflict Resolution.

Eric often reflected on his role in the incident that brought him to prison. He realized that while he did not shoot the gun that killed the victim, he still contributed to acts that led to the victim's death and the grief the victim's family felt afterward. In November 2007, after serving nearly fourteen years in prison, Eric was released on parole.

Shortly after his release, Eric found a job at a laundromat and then an art packing and moving company. A few years later, after learning the mechanics of building a recording studio, Eric pursued his passion of writing and recording music by opening his own studio in Brooklyn and launching a music label. Eric has produced over 300 projects for various musicians and worked with Def Jam records. He also maintains a strong commitment to giving back to his community. In October 2016, he received non-profit status for his organization, SPUD, Inc., which uses music writing and production as a violence reduction strategy. Since 2018, Eric has provided financial, business, anger management, and other training to incarcerated youth at the same juvenile detention center where he was imprisoned. He also teaches his program at local schools and community centers.

In addition to his professional endeavors, Eric is a parent leader at his children's elementary school, an active volunteer in his community, and a devoted husband and father. Eric's story illustrates that incarcerated youth, when given meaningful opportunities, can and do mature and become vital forces of good in their communities, long before they have served thirty years.

III. THE EXPERIENCES OF JUVENILE LIFERS IN NEW JERSEY REVEAL THAT THE PROMISE OF ZUBER REMAINS UNFULFILLED.

In Zuber, this Court observed that, “even for experts, it is difficult at an early age to differentiate between the immature offender who may reform and the juvenile who is irreparably corrupt . . . [and] [i]t is even harder for a judge to make that determination at the moment the juvenile offender appears for sentencing.” 227 N.J. at 451 (internal citations omitted). Consequently, “even when judges begin to use the Miller factors at sentencing, a small number of juveniles will receive lengthy sentences with substantial periods of parole ineligibility,” and such youth might seek later judicial review of their sentences to determine “whether [they] may be, or [have] been, rehabilitated.” Id. at 451-52. To this end, the Court urged the Legislature to “consider enacting a scheme that provides for later review of juvenile sentences with lengthy periods of parole ineligibility.” Id.

Unfortunately, four and one-half years later, the Legislature has not responded to the Court’s exhortation. Although at least two bills have been introduced that would create a procedural pathway for incarcerated youth to obtain release in less than thirty years, neither has been approved by the relevant committees. See S. 428, 218th Leg., Reg. Sess. (N.J. 2018) and A. 3091, 219th Leg., Reg. Sess. (N.J. 2020).

The stories of the New Jersey Incarcerated Youth Amici set forth below demonstrate that they had matured and were

rehabilitated and ready to leave prison long before reaching their thirty-year mandatory minimum terms. While the Amici from other states were released well before thirty years and are now active, contributing members of their communities, their New Jersey counterparts remain behind bars for years or even decades longer. It is now time for the Court to step in and fulfill Zuber's core promise: that a young person will have a meaningful opportunity to gain release based on demonstrated maturity and rehabilitation.

A. Lawrence Bell

Lawrence Bell is a community organizer and advocate for system reform. He is forty-five years old and spent more than two-thirds of his life in prison.

Lawrence grew up in Camden, New Jersey during the late 1980s and early 1990s, when it was known as the murder capital of the country. From a young age, Lawrence witnessed and experienced physical and psychological abuse by his stepfather. Ultimately, his mother fell victim to her husband's violence and died when Lawrence was nine years old. Before his mother's death, Lawrence had been a straight-A student and consistently attended school. After she died, however, he struggled to cope with his grief and became known as a "trouble maker." By the time he was thirteen years old, he no longer attended school. By his early teens, he was living alone in an abandoned house in Camden and selling drugs.

In June 1990, when Lawrence was just fourteen years old, a much older acquaintance with a lengthy criminal record asked for Lawrence's help in committing a robbery. The events of that evening led Lawrence to a youth detention center cell, accused of a murder, kidnapping, and sexual assault. Lawrence was convicted after trial of all charges. Despite a psychologist's findings that Lawrence had the emotional intelligence of a ten-year-old boy and could be rehabilitated within five years, the judge sentenced Lawrence to life plus fifty years, with a fifty-five year parole disqualifier.

Lawrence was first placed at the Garden State Correctional Facility in Yardville, then known as a "gladiator school" where youth learned how to fight one another. He initially succumbed to the atmosphere but shifted his mentality about five years into his term (around age twenty-two) after receiving his last serious disciplinary infraction. In 2001, Lawrence was transferred to East Jersey State Prison where, despite the violent culture, he began taking advantage of and creating his own educational opportunities. In his own words, he started to realize that "[w]hen you know better you do better." He became certified as a cook, started an at-risk youth visitation program, started a creative writing program, participated in vocational programs, and became one of the first participants in the New Jersey Scholarship and Transformative Education in Prisons ("NJ-STEP") Program, graduating from Mercer County Community College. He was an English comprehension teaching assistant and tutored others in

college writing. He also served as a prison paralegal for nearly fifteen years. Lawrence married his wife while he was incarcerated, and they have now been married for over twenty years.

In February 2020, because of Zuber, Lawrence was resentenced to forty-eight years with a thirty-year mandatory minimum. He contracted COVID-19 at East Jersey State Prison and was released on June 28, 2020, after serving thirty years and one day in custody.

Lawrence is now making meaningful contributions as a community organizer with Metro Industrial Areas Foundation in New York. In January 2021, he graduated summa cum laude from Rutgers University in Newark, earning a bachelor's degree. He has taught virtually at Swarthmore College on a range of topics, including penal history, African American history, sociology, and film.⁶ Lawrence is also involved in real estate and hopes to develop and identify affordable housing for formerly incarcerated individuals. His long-term goal is to end New Jersey's "archaic and draconian" process of juvenile waiver.

Like the individuals described above, Lawrence's story is remarkable because of his ability to steer himself toward a better path and his steadfast commitment to lifting others up with him along the way. Lawrence took advantage of all the

⁶ See TJIS: Transformative Justice Initiative and Swarthmore College, Swarthmore Coll. Lang Center Civic & Soc. Resp., <https://www.swarthmore.edu/lang-center/tjis-transformative-justice-initiative-and-swarthmore-college> (last visited June 14, 2021).

opportunities available to him while incarcerated and completed the aforementioned programs within the first half of his thirty-year term. He then turned his attention to others, providing guidance as a paralegal and hope and encouragement as a mentor to young people both within and outside the prison. Unfortunately, because Lawrence did not have an opportunity for release before his thirty-year parole disqualifier, he has only just started his career as a community organizer and advocate outside the prison walls. We will never know what the community has lost by not having Lawrence return to it sooner, but he hopes that his story will inspire change so that others may have the opportunity that he lacked.

B. Hector Valentin

Hector Valentin is another example of a young person who demonstrated rehabilitative qualities far before the end of his thirty-year sentence, but he nevertheless remained behind bars for three decades.

Hector grew up in Newark, New Jersey with his mother and three younger brothers. He had a good relationship with his family and attended school regularly until ninth grade, when he dropped out and began working in construction. At the age of seventeen, after a day of shopping with friends, Hector found himself in a juvenile detention center charged with the murder of the shopkeeper. After a trial, he was convicted of felony murder and sentenced to thirty years with no possibility of parole. Though he appealed, his conviction was affirmed.

While incarcerated, Hector stayed out of trouble and made productive use of his time. Even though most of the prison's rehabilitative programs and institutional jobs were not available to him because of the length of his sentence (this is because they catered to youth who were within several years of their maximum term), Hector persisted in his educational and vocational pursuits. He took courses in carpentry, masonry, computer programming, paralegal studies and earned his GED. He worked in the library and served as a paralegal for twelve years. He avoided all inmate fights and received only one disciplinary charge during the entirety of his commitment, when he tested positive for drugs in the very early years of his sentence. Despite this exemplary record across nearly thirteen years (a sentence within itself) at the Garden State Youth Correctional Facility, he had no opportunity for release.

In 2002, when he turned thirty years old, Hector aged out of the Garden State Youth Correctional Facility and was transferred to East Jersey State Prison in Rahway. He describes this change as a "culture shock"--like going from a "sunny" place to a somber and dark environment. He and others at the prison had a difficult time maintaining positive mindsets. A friend who was also serving a lengthy sentence could not cope and committed suicide. Despite this challenging new environment, Hector remained committed to his positive trajectory and obtained a job in the facility's upholstery shop, where he worked for sixteen years. Because East Jersey is designated maximum security, it

offered limited educational opportunities until 2013, when Hector was chosen to participate in the NJ-STEP Program. He graduated with an associate's degree in social justice from Mercer County College and a bachelor's degree from Rutgers University.

Hector was finally released in 2020, after serving thirty years. Upon release, he felt the profound impact of three decades behind bars on his social development; he felt awkward, for example, doing simple things like going to the store. Hector believes that the amount of time he served, beginning from a young age and continuing throughout critical years of development and maturation, caused him significant harm and, more generally, has a negative impact on youth when they leave prison. He has observed that other youth who are released after serving shorter sentences are often able to re-acclimate to life in the community more quickly and easily than youth who served longer sentences.

In February 2020, Hector moved to Florida to live with his niece and secured a job as a packaging specialist. He hopes to use his social justice degree to mentor youth who are facing challenges similar to those he experienced as a young person.

C. Dexter Tyson

Dexter Tyson arrived at New Jersey State Prison as a teenager who could not grow facial hair and left in 2016 as a forty-eight year-old man with a grey beard.

In 1985, when Dexter was seventeen years old, he was involved in a "robbery gone wrong." He, along with two other young men, attempted to rob an individual at a bus stop and the

victim was shot and killed. Dexter was waived and tried as an adult. A jury convicted him of felony murder and a second-degree weapons offense, and he was sentenced to a life sentence with thirty years of parole ineligibility for the felony murder, along with a concurrent ten-year sentence for the weapons offense. During the three decades of his incarceration, the sentencing judge's finding that Dexter (the teenager) was incapable of rehabilitation stuck with him. Ultimately, he was motivated to prove that the sentencing judge was wrong and that he could mature and grow in prison.

Dexter became a mentee of older "lifers," who encouraged him to improve his reading skills by giving him books to read and asking him to write book reports for them. Their care and mentorship gave Dexter the self-confidence he needed to make choices that would improve his life. While incarcerated, Dexter earned an associate's degree through the NJ-STEP Program and a paralegal certificate. He also engaged in significant therapy, participated in all available facility programs, and contributed to the Lifers Group Juvenile Awareness Program's well-regarded music group. Through the course of his thirty years in prison, Dexter only incurred minor disciplinary infractions, with his last infraction occurring in 2002--over fifteen years before his parole eligibility date.

Dexter went before the Parole Board for the first time in 2016, when he was forty-seven-years old and with a laudable institutional record, and was granted release. Since his

release, Dexter has been the primary caregiver for his two-year-old daughter, Makaylah, who is learning her ABCs. He is employed by Newark Public Works and has his commercial divers license ("CDL"). He hopes to continue his college education at Rutgers when his daughter gets older. In his spare time, he continues to pursue music that focuses on the long-term effects and psychological scars of his incarceration.

Yet, even with these accomplishments, the reverberations of Dexter's lengthy sentence remain. Dexter's mother, who visited frequently, passed away just a few months before his release. His inability to care for her weighs heavily on him. Like many others on lifetime parole supervision, Dexter is required to submit weekly paystubs, check with his officer before visiting family in Virginia, and deal with the constant threat of re-incarceration, which casts a long shadow over his daily life.

While Dexter is proud of his full-time job with benefits, he wonders what life could have been like with an earlier opportunity to start over. Would he be earning a higher income? Would he be worrying about his daughter's college costs instead of daycare costs? Could he have cared for his mother in the last years of her life? He will never know.

Dexter focuses on what he can control and maintains his firm commitment to his daughter and to leading a productive, law-abiding life.

D. Ibrahim Sulaimani

Ibrahim Sulaimani has many titles. He is a co-founder of the highly respected Transformative Justice Initiative ("TJI") (also appearing as Amicus), a criminal justice student at Rutgers University who hopes to pursue a Master's of Public Policy, and a favorite course assistant to undergraduate students at Swarthmore College.

Ibrahim is also a juvenile lifer. As a child, Ibrahim suffered abuse and psychological harm by his stepfather. At age fifteen, Ibrahim and an older man entered a neighbor's home in order to rob it and the neighbor was killed during the course of the robbery. In 1988, Ibrahim was waived into adult court, convicted of felony murder, and sentenced to life in prison with a thirty-year period of parole ineligibility.

When Ibrahim first arrived at state prison at the age of eighteen, he received mentorship from the "Long Timers Group," comprised of young people who were also serving lengthy terms of incarceration. This group mentored him and advised him to focus on his education. After earning his high school diploma, Ibrahim became Secretary, and later President, of the Long Timers Group. As President, Ibrahim tutored others in the facility, provided mentoring, and raised money (with the consent of the administration) to replenish the facility's furniture. Ibrahim also worked for years as the social work department's clerk and learned the upholstery trade.

When faced with institutional barriers to securing educational opportunities, Ibrahim and his peers advocated for years to bring the NJ-STEP Program to fruition. In 2013, Ibrahim was among the program's inaugural cohort of students. Today, the NJ-STEP Program has a years-long waiting list. Ibrahim and his peers lightheartedly call themselves graduates of "East Jersey University." Through the NJ-STEP Program, Ibrahim earned an associate's degree and continues to work towards his bachelor's degree.

In 2018, Ibrahim finally became eligible for parole and could showcase his exceptional achievement for the first time. The Parole Board unanimously approved his release.

Having spent thirty years incarcerated, Ibrahim had to learn to be an adult outside of prison for the first time at the age of forty-six. In the last fifteen years of his incarceration, he had no access to a computer. He also was not transferred to a lower security facility with significant reentry services until weeks before his release date.

Today, Ibrahim uses his personal experience to help those returning home from carceral institutions through his organization, TJI. Still a college student himself, he also works as a course assistant to undergraduate students at Swarthmore College. One day, Ibrahim hopes to return as an educator in the NJ-STEP Program to further guide incarcerated students in New Jersey's state prisons. There, he hopes to use

his profound story of growth to show young people that they too can change their lives.

E. Christopher White

Thirty years ago, Christopher White ("Chris") entered the New Jersey criminal legal system as a seventeen-year-old who had never before been in trouble. Before then, Chris did well in school, played the drums, was close with both of his parents, and went to church regularly with his mother. In 1991, however, Chris made a life-altering decision: he participated in a robbery with a friend during which he shot a young man twice. The young man died in front of his family. Chris was charged and waived to adult criminal court. He proceeded to trial and a jury found him guilty of first-degree murder. The trial court sentenced him to a life sentence with thirty years of parole ineligibility, along with concurrent terms for the robbery and weapons offenses.

At forty-seven years old, Chris has completed almost thirty years of his life sentence. During that time, Chris has focused on taking responsibility for his actions and living productively and purposefully. Chris was a youth mentor at his religious group during his earliest years in prison. Later, at East Jersey State Prison, Chris served as the Assistant Minister of Music, on the Board of the Lifer's group, and as a clerk in the infirmary for thirteen years.

At Northern State Prison ("NSP"), where he has been housed for the last ten years, Chris meets weekly with young people as the President and Lead Facilitator of the Individuals Embracing

Better Choices ("IEBC") program, which matches newly incarcerated men with mentors like Chris who have been incarcerated for decades. Through IEBC, Chris uses diverse strategies to encourage incarcerated young people to open up and discover their ability to make better choices. These strategies include individual and group counseling, lifestyle confrontation skits, open discussion relating to gang association, mock parole hearings, and mock employment interviews.

Through this work, Chris aims to help mentees realize that their crimes do not define who they are but are negative behaviors that they can change. By showing care to young people in tough situations, Chris seeks to provide healing, stop recidivism, and prevent others from experiencing the same trauma and harm he caused to his victim's family, who lost their loved one.

In addition to his work with IEBC, Chris earned his associate's degree from Raritan Valley Community College in 2019 and continues to pursue a bachelor's degree in Criminal Justice Studies through the NJ-STEP Program. He also leads weekly religious study groups and teaches music to other incarcerated people. In his nearly thirty years of incarceration, he has received only one minor disciplinary infraction. If and when he is released, he plans to obtain a commercial driver's license and find employment as a truck driver.

Chris has now spent nearly twice as many years in prison as he had lived before his incarceration. During that time, he has

not had a parole hearing or been afforded any other opportunity for release. In light of the Appellate Division's decision in Comer, Chris and others like him have no viable avenue for relief in the courts. Even though Chris has been prepared and able to demonstrate his maturity and rehabilitation for many years, he will continue to be incarcerated at least until he serves the mandatory minimum, and perhaps for a far longer term than that.

* * * * *

The stories shared in this brief represent a mere fraction of experiences of the many young people who, while serving sentences for serious crimes, have made tremendous strides towards rehabilitation far earlier than thirty years after their convictions. This capacity for reform, according to the U.S. Supreme Court, sets children apart from adults in criminal sentencing. See Miller, 567 U.S. at 471. Yet, New Jersey's thirty-year mandatory minimum sentence without parole fails to embody this constitutional distinction. N.J.S.A. § 2C:11-3b(1) divests people, like the New Jersey Incarcerated Youth Amici, of any opportunity to petition for release before serving thirty years despite significant evidence demonstrating their readiness to return to the community.

The Formerly Incarcerated Youth Amici similarly committed serious crimes as adolescents but were released on parole in their respective states in less than thirty years--for some, in less than half that time. Today, these Amici are making

meaningful contributions to society as, among other things, social workers, community organizers, youth mentors, and justice advocates. New Jersey's young people deserve the same opportunity. Zuber demands no less.

CONCLUSION

For the reasons set forth above, Amici respectfully request that the Court grant the relief that the Petitioners Comer and Zarate are seeking.

Respectfully submitted,

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