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## **Pennsylvania's Highest Court Strikes Blow to Sentencing Kids to Life in Prison**

**Philadelphia, PA** (June 27, 2017) – Yesterday, Pennsylvania's Supreme Court [unanimously ruled](#) that before youth can be sentenced to life without parole, the state bears a high burden of establishing they are permanently incorrigible. The ruling came in the case of Qu'eed Batts, who has twice been sentenced to life in prison with no possibility of parole for a homicide committed when he was 14. Batts first appealed his life without parole sentence following the United States Supreme Court decision in *Miller v. Alabama*, which found automatic life without parole sentences for juveniles unconstitutional in 2012. On remand, Batts was resentenced to life without parole. He appealed again in the wake of *Montgomery v. Louisiana*, which found *Miller* retroactive and which also held *Miller* established a new substantive rule of constitutional law.

The Pennsylvania court found that *Miller* and *Montgomery* establish a presumption against life without parole sentences for juveniles and that the burden is on prosecutors to prove beyond a reasonable doubt that a young person is incapable of rehabilitation before such a sentence is issued. The court thus ordered that Batts must be sentenced a third time, reversing and remanding for a new sentencing hearing. Justice Christine Donahue, who authored the decision, stated that when Batts is re-sentenced he must be provided "some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."

"The Court's opinion underscores the gravity of the rulings in *Miller* and *Montgomery* that juvenile life without parole sentences must be rare and uncommon. By recognizing a presumption against the sentence and placing the burden on the Commonwealth to establish permanent incorrigibility on proof beyond a reasonable doubt, the Supreme Court has properly erected an exceedingly high bar for the state to overcome. Such sentences should indeed be rare in Pennsylvania as we now move ahead," said Marsha Levick, Deputy Director and Chief Counsel of Juvenile Law Center, who argued the *Batts* case and served as co-counsel in *Montgomery v. Louisiana*.

Pennsylvania is currently home to the largest number of juvenile lifers in the country – over 500. While slightly more than 100 of these individuals have been re-sentenced in the last year, hundreds of cases have yet to be resolved. The *Batts* decision establishes clear guidelines and sets forth key due process safeguards for the remaining cases.

Notably, the Court denied two other legal challenges *Batts* made – that the determination of permanent incorrigibility should be decided by a jury and that sentencing options on remand should be limited to a fixed term of years applicable to third degree murder in Pennsylvania. While acknowledging the current sentencing law does not actually apply to these juvenile lifers, the Court nevertheless held that sentencing courts may look to that statute for guidance.

Batts' Easton defense lawyer, Philip Lauer, was elated at the decision. "I'm on page 45, and I can't stop smiling," Lauer said. "This was a 14-year-old kid. Immature. Scared. It's just not a life without parole decision."

*Juvenile Law Center is the oldest non-profit, public interest law firm for children in the nation. Widely published and internationally recognized as thought leaders in the field, Juvenile Law Center's impact on the development of law and policy on behalf of children is substantial. Juvenile Law Center uses an array of legal strategies and policy advocacy to promote fairness, prevent harm, ensure access to appropriate services, and create opportunities for success for youth in the foster care and justice systems. For more information about Juvenile Law Center's work, visit [www.JLC.org](http://www.JLC.org).*

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