Case Number: SU-2022-0092-MP
Filed in Supreme Court
Submitted: 2/18/2024 1:45 PM
Envelope: 4491585
Reviewer: Zoila Corporan

STATE OF RHODE ISLAND
SUPREME COURT

Joao Neves, v. State of Rhode Island	SU-2022-0092-MP (PM-2022-0259 below)
Keith Nunes v. State of Rhode Island	SU-2022-0093-MP (PM-2022-0901 below)
Pablo Ortega v. State of Rhode Island	SU-2022-0094-MP (PM-2022-0260 below)
Mario Monteiro v. State of Rhode Island	SU-2023-0167-MP (PM-2023-00921 below)

Consolidated Review on Certiorari from Grants of Post-Conviction Relief
Entered in the Superior Court, Providence County

BRIEF OF *AMICI CURIAE* CAMPAIGN FOR THE FAIR SENTENCING OF YOUTH, HUMAN RIGHT FOR KIDS, AND ALIZA HOCHMAN BLOOM IN SUPPORT OF RESPONDENTS JOAO NEVES, KEITH NUNES, PABLO ORTEGA, AND MARIO MONTEIRO

Thomas W. Lyons, RI Bar No. 2946
Strauss, Factor, Laing & Lyons
One Davol Square, Suite 305
Providence, RI 02903
tlyons@straussfactor.com
(401) 456-0700

Rebecca Turner, DC Bar No. 1023738*
**pro hac vice pending*
Associate Legal Director
Campaign for the Fair Sentencing of Youth
rturner@cfsy.org

Aliza Hochman Bloom, Mass Bar No. 706809
**pro hac vice pending*
Assistant Professor
Northeastern University School of Law
416 Huntington Avenue
Boston, MA 02115
a.hochmanbloom@northeastern.edu

Teresa Kominos, NY Bar No. 4572855
**pro hac vice pending*
Policy Counsel
Human Right for Kids
1250 Connecticut Avenue NW
Washington, D.C. 20036
tkominos@humanrightsforkids.org

Counsel for amici curiae

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Statutes

U.S. Supreme Court Cases

Other Cases

Other Authorities

IDENTITY AND INTEREST OF AMICI CURIAE

The Campaign for the Fair Sentencing of Youth is a national nonprofit that leads efforts to implement fair and age-appropriate sentences for youth, with a focus on abolishing life without parole and other extreme sentences for children. 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. Through partnerships with advocacy organizations, businesses, and other stakeholders, the CFSY supports survivors of youth violence, those incarcerated as children who are still serving or have been released, and their respective families and communities.

Aliza Hochman Bloom is an Assistant Professor at Northeastern University School of Law, where she teaches criminal law and procedure. Her scholarship focuses on Fourth Amendment doctrine, criminal sentencing reform, and race and criminal procedure. Professor Hochman Bloom appears in her individual capacity; institutional affiliation is provided for identification purposes only.

Human Rights for Kids (HRFK) is a non-profit organization dedicated to the promotion and protection of the human rights of children. HRFK incorporates research and public education, coalition building and grassroots mobilization, as well as policy and strategic litigation, to advance critical human rights on behalf of

children. A central focus of HRFK's work is advocating in state legislatures and courts for comprehensive justice reform for children consistent with the U.N. Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.

SUMMARY OF ARGUMENT

In enacting R.I. § 13-8-13(e), also known as Mario's Law, the legislature required parole review after 20 years for people convicted of crimes committed before age 22. This reform brought Rhode Island in line with sweeping national change rejecting extreme sentences for youth and young adults. Responding to a quartet of Supreme Court cases requiring discretion and consideration of youth at sentencing in light of mounting scientific evidence about adolescent development, states throughout the country have acted to ensure that young people have opportunities for sentence review that allow them to demonstrate rehabilitation and positive growth. The most common mechanism for addressing these sentences has been retroactive parole eligibility.

Reforms like Mario's Law address lengthy sentences and related constitutional deficiencies in several important ways. First, they address the scientific consensus that the vast majority of youth "age out" of crime by allowing for review opportunities after a set number of years. Second, they address and begin to undo a long legacy of racial injustice and harsher punishments for youth of color.

Lastly, they preserve judicial economy by providing broad relief to address several types of sentences and potential constitutional violations, and place that authority with decision makers equipped to evaluate rehabilitation and public safety. Interpretations of § 13-8-13(e) that preclude relief for Respondents Neves, Nunes, Ortega, Monteiro, and similarly situated youth and young adults undermine the purpose of these reforms and create unconstitutionally disproportionate sentences.

ARGUMENT

I. DEVELOPMENTS IN BRAIN SCIENCE SUPPORT THE APPLICATION OF RHODE ISLAND § 13-8-13(E)

In a series of decisions beginning in 2005, the Supreme Court relied upon scientific developments in neuropsychology and neurobiology in holding that youth must be treated differently for the purposes of criminal sentencing.[1] In *Roper v. Simmons*,[2] *Graham v. Florida*,[3] *Miller v. Alabama*,[4] and *Montgomery v. Louisiana*,[5] the Court relied on extensive scientific evidence establishing structural differences

[1] For a more robust discussion of the underlying science, please refer to Brief of Center for Law, Brain and Behavior as *Amicus Curiae* in support of Respondents Mario Monteiro et. al (Feb. 19, 2024).
[2] 543 U.S. 551 (2005) (holding that the death penalty as applied to individuals under eighteen violates the Eighth Amendment).
[3]560 U.S. 48 (2010) (invalidating juvenile life without parole (JLWOP) for nonhomicide crimes and requiring a meaningful opportunity for release based on demonstrated maturity and rehabilitation).
[4] 567 U.S. 460 (2012) (holding that mandatory JLWOP is disproportionate for the vast majority of youth whose crimes reflect transient immaturity).
[5] 577 U.S. 190 (2016) (holding that *Miller* applies retroactively).

in the brains of youth and young adults as compared to adults in their late 20s and beyond.

In *Roper*, the Court laid out three key distinctions between youth and adults that it relies on throughout this line of cases. Youth are categorically less culpable, the Court found, because they lack maturity, have an underdeveloped sense of responsibility, and are thus prone to "impetuous and ill-considered actions and decisions."[6] Second, they are more vulnerable to "negative influence and outside pressures" with limited ability to extricate themselves from risky situations.[7] Third, youth are inherently capable of positive growth and change: their character is "not as well formed, and their personality "less fixed."[8] As a result, the penological justifications for incarcerating youth, even those who commit the most severe crimes, are severely diminished.[9]

While these cases focused on the most extreme sentences of death and life without parole (LWOP), the underlying science and the Court's rationale have broad implications for what carceral sentences are constitutionally appropriate for young people and have had far-reaching consequences on the national policy landscape.

[6] *Roper*, 543 U.S. at 569.
[7] *Id.* at 569-571.
[8] *Id.* at 579.
[9] *Miller*, 567 U.S. at 471-72.

II. MARIO'S LAW BRINGS RHODE ISLAND INTO STEP WITH THE NATIONAL MOVEMENT AWAY FROM EXTREME SENTENCES FOR YOUTH AND YOUNG ADULTS

A. Many states have safely adopted sentence review and release procedures that consider the mitigating qualities and rehabilitative capacity of adolescents.

In the wake of the Court's decision in *Montgomery*, many states have adopted procedures allowing for the resentencing and release of individuals sentenced as youths to LWOP and other lengthy sentences. As a result of these reforms, more than 1000 individuals previously serving life without parole have been released.[10] While there is no comparable data for de facto life sentences, many more serving sentences other than LWOP have been released from prison.[11] Moreover, this change is not isolated among a few states: thirty-one states have released people sentenced as youth to LWOP back into their communities, the vast majority through reformation of their sentences granting them parole eligibility.[12]

Granting parole eligibility is by no means a guarantee of release, but is a vital avenue providing those who committed crimes as youth the ability to establish that

[10] Campaign for the Fair Sentencing of Youth, *Unusual & Unequal* at 2 (2023), https://cfsy.org/wp-content/uploads/Unusual-Unequal-JLWOP.pdf.
[11] *See e.g.* OSI Baltimore, *Nearly Two Dozen Juveniles Released in First Year of Juvenile Restoration Act*, BALTIMORE JUSTICE REPORT (Oct. 7, 2022), https://www.osibaltimore.org/2022/10/nearly-two-dozen-juveniles-released-in-first-year-of-juvenile-restoration-act/.
[12] Active archival data on file with the Campaign for the Fair Sentencing of Youth.

their crimes were the product of transient immaturity and ensure that they have a "meaningful opportunity for release."[13] Data confirms the Court's intuition that the vast majority of youth "age out" of crime.[14] In Philadelphia County, the county with the most individuals serving LWOP as youth in the country, a study of those paroled found a 1.14% rate of reconviction for a new crime.[15] Data from other jurisdictions with large numbers of so-called "juvenile lifers" confirm that recidivism is low.[16] In California, a recent study of people released from LWOP sentences (including those under 18 and young adults) found 3% had any new convictions within three years, and only one new felony qualifying conviction.[17] These findings align with other

[13] *Graham*, 560 U.S. at 50.
[14] David P. Farrington, Rolf Loeber, and James C. Howell, *Young Adult Offenders: The Need for More Effective Legislative Options and Justice Processing*, CRIMINOLOGY & PUBLIC POLICY, vol. 11 (2012): pp. 729-50; David P. Farrington, *Age and Crime*, CRIME AND JUSTICE, vol. 7 (1986): pp. 189-250.
[15] Tarika Daftary-Kapur and Tina M. Zottoli, *Resentencing of Juvenile Lifers: The Philadelphia Experience* (2020), https://digitalcommons.montclair.edu/cgi/viewcontent.cgi?article=1084&context=justice-studies-facpubs. It should be noted that the new crimes were contempt and robbery in the third degree, not homicide.
[16] Correspondence on file from Michigan Department of Corrections notes that only one person of 189 released from a former JLWOP sentence had a new conviction within three years or while on parole. The new conviction was for felon in possession of a firearm.
[17]Human Rights Watch, *I Just Want to Give Back: The Reintegration of People Sentenced to Life Without Parole* (2023), available at https://www.hrw.org/sites/default/files/media_2023/06/usa_lwop0623.pdf

research demonstrating low rates of reoffending after release for those convicted of homicide and other violent crimes.[18]

Research shows that people sentenced to life as children faced significant obstacles early in life, including high levels of exposure to violence, physical abuse, economic disadvantage, and educational challenges.[19] Despite these hurdles, people returning home from these sentences have demonstrated an awareness of the circumstances that led to their incarceration and a strong desire to break those cycles of violence and give back to their communities.[20] Of released individuals surveyed in a recent Human Rights Watch report, 90 percent reported working, with 43 percent working at a non-profit organization.[21] 84 percent reported financially assisting others since they left prison, and 94 percent reported volunteering with charities, community organizations, or nonprofit organizations since release.[22] As one individual released from LWOP explains:

> "I think the vast majority of humans are redeemable. You know like me, every day I wake up and try to make amends for my crimes and try to do the best I can in memory of the victims in my case and their families and that's how I try to live my life. I screwed up in the past, and if I could go back, I would

[18] Ashley Nellis, *A New Lease on Life*, The Sentencing Project, June 30, 2021, https://www.sentencingproject.org/reports/a-new-lease-on-life/
[19] Ashley Nellis, *The Lives of Juvenile Lifers*, The Sentencing Project (2012), https://web.archive.org/web/20150322080416/http://sentencingproject.org/doc/publications/publications/jj_The_Lives_of_Juvenile_Lifers.pdf.
[20] Campaign for the Fair Sentencing of Youth, *About ICAN*, https://cfsy.org/what-we-do/ican-stories/ (last visited Feb. 15, 2024).
[21] *I Just Want to Give Back*, *supra* note 17, at 26.
[22] *Id.* at 28, 34.

> change it, no hesitation. But you know, you can't. But that doesn't mean I can't make a difference moving forward ... what matters now is what's ahead of me, and I try to do the best that I can. I'll never be able to fully make up for it, but I'll do my best to try. [I'm] just doing my part to make a small difference."[23]

This testimony exemplifies the rehabilitative capacity of youth and young adults. It underscores the importance of R.I. § 13-8-13(e) for creating opportunities for people who committed serious crimes as young people to show their rehabilitation.

B. Vehicles like Mario's Law are critical to addressing gross racial disparities in extreme sentencing of youth and young people.

Racial disparities pervade LWOP sentences for youth and young adults as well as life with parole and lengthy de facto (or virtual life) sentences.[24] Among youth sentenced to LWOP at the time of *Miller*, 61 percent were Black.[25] Since *Miller*, these disparities have worsened, with more than 75 percent of new cases imposed on a Black child.[26] Research shows that these disparities also infect LWOP sentences for young adults as well as de facto life sentences.[27] Among life and virtual

---

[23] *Id*. at 20

[24] Ashley Nellis, *Still Life: America's Increasing Use of Life and Long-Term Sentences,* The Sentencing Project at 17 (2017), https://www.sentencingproject.org/app/uploads/2022/10/Still-Life.pdf.

[25] Campaign for the Fair Sentencing of Youth, *Unusual & Unequal* at 7 (2023), https://cfsy.org/wp-content/uploads/Unusual-Unequal-JLWOP.pdf.

[26] *Id.*

[27] Brief of Boston University Center for Antiracist Research et. al. as amici curiae, *Commonwealth v. Mattis*, 493 Mass. 216 (2024). https://www.bu.edu/antiracism-center/files/2023/01/Mattis-Amicus-Brief.pdf.

life sentenced youth, more than 80 percent are people of color and 55 percent are Black.[28] When compared to adults serving the same sentences, "youth of color comprise a considerably greater share of the total than their adult counterparts" for life with parole, life without parole, and virtual life sentences.[29]

Several aspects of the criminal legal system contribute to these disparities, including the perception of young Black men as more mature, threatening, and culpable than their biological age.[30] As a result, Black people face disproportionate outcomes at many junctures that manifest in extreme sentencing. For example, research indicates that once arrested, Black people are 1.75 times more likely to be charged with offenses carrying a mandatory minimum sentence.[31] Black youth are

[28] *Still Life* at 17.
[29] *Id.*
[30] *See, e.g.*, Spencer, Charbonneau & Glaser, *Implicit Bias and Policing*, 10 SOC. & PERSONALITY PSYCH. COMPASS 50, 55 (2016); Trawalter et al., *Attending to Threat: Race-Based Patterns of Selective Attention*, 44 J. EXPERIMENTAL SOC. PSYCH. 1322, 1322 (2008); Eberhardt et al., *Seeing Black: Race, Crime, and Visual Processing*, 87 J. PERSONALITY & SOC. PSYCH. 876, 878, 889-891 (2004); Quillian & Pager, *Black Neighbors, Higher Crime? The Role of Racial Stereotypes in Evaluations of Neighborhood Crime*, 107 AM. J. SOC. 717, 718 (2001); Steffensmeier, Ulmer & Kramer, *The Interaction of Race, Gender, and Age in Criminal Sentencing: The Punishment Cost of Being Young, Black, and Male*, 36 CRIMINOLOGY 763, 769 (1998).
[31] Starr & Rehavi, *Racial Disparity in Federal Criminal Charging and its Sentencing Consequences*, 122 J. Pol. Econ. 1320, 1323 (2012) ("The initial mandatory minimum charging decision alone is capable of explaining more than half of the black-white sentencing disparities not otherwise explained by precharge characteristics").

more likely to be charged as adults,[32] and more likely to be charged with felony murder.[33] A study examining LWOP sentences for youth found that study participants were more likely to support LWOP when primed to believe the defendant was Black.[34]

These disparities are exacerbated by sentencing policies adopted in the wake of national panic about a fictional wave of teenage "superpredators." In the mid-1990's, John DiIulio coined the term to describe "an army of young male predatory street criminals" who "have absolutely no respect for human life."[35] These dire warnings were explicitly racialized, with DiIulio warning that "the trouble will be greatest in [Black, inner city] neighborhoods" and that "not only is the number of

[32] Smith & Levinson, *The Impact of Implicit Racial Bias on the Exercise of Prosecutorial Discretion*, 35 SEATTLE U. L. REV. 795 (2012); Campaign for Youth Justice, *The Color of Youth Transferred to the Adult Criminal Justice System: Policy and Practice Recommendations* (2018), https://web.archive.org/web/20190503060235/http://cfyj.org/images/pdf/Social_Justice_Brief_Youth_Transfers.Revised_copy_09-18-2018.pdf

[33] Albrecht, *Data Transparency & The Disparate Impact of the Felony Murder Rule*, Duke Ctr. For Firearms Law (Aug. 11, 2020), https://firearmslaw.duke.edu/2020/08/data-transparency-the-disparate-impact-of-the-felony-murder-rule.

[34] Rattan, Levine, Dweck & Eberhardt, *Race and the Fragility of the Legal Distinction between Juveniles and Adults*, 7 PLoS ONE 1, 3 (2020).

[35] J. DiIulio, *The Coming of the Super-Predators*, The Weekly Standard (November 27, 1995), available at https://www.washingtonexaminer.com/weekly-standard/the-coming-of-the-super-predators.

young black criminals likely to surge, but also the black crime rate, both black-on-black and black-on-white, is increasing".[36]

Extensive subsequent analysis has shown that these assertions were baseless, with juvenile crime rates already in decline by the mid-1990s.[37] Nevertheless, these claims "tapped into and amplified racial stereotypes that date back to the founding of our nation."[38] The impact was sweeping, "prompting nearly every state in the country to step up the sentencing and punishment of juveniles."[39] The Connecticut Supreme Court, evaluating this history and the direct impact it had on criminal

---

[36] J. DiIulio, *My Black Crime Problem, and Ours*, City Journal, (Spring 1996), available at https://www.city-journal.org/article/my-black-crime-problem-and-ours.

[37] Office of Juvenile Justice and Delinquency Prevention, U.S. Dept. of Justice, *Challenging the Myths, 1999 National Report Series: Juvenile Justice Bulletin* (February, 2000), available at https://www.ojp.gov/pdffiles1/ojjdp/178993.pdf; U.S. Dept. of Health & Human Services, *Youth Violence: A Report of the Surgeon General* (2001) c. 1, p. 6, available at https://www.ncbi.nlm.nih.gov/books/NBK44297/?report=reader. (''There is no evidence that young people involved in violence during the peak years of the early 1990s were more frequent or more vicious offenders than youths in earlier years. . . .There is no scientific evidence to document the claim of increased seriousness or callousness . . . .'')

[38] *State v. Belcher*, 342 Conn. 1 (2022).

[39] *Belcher*, 342 Conn. at 20 (citing J. Short & C. Sharp, *Disproportionate Minority Contact in the Juvenile Justice System* (2005) p. 7 (''[b]etween 1992 and 1999, [forty-nine] states and the District of Columbia passed laws making it easier for juveniles to be tried as adults through statutory exclusion, mandatory waiver, direct file by prosecutors, or presumptive waiver legislation'')).

sentencing of Black youth, overturned an aggregate 60 year sentence where the sentencing judge explicitly cited DiIulio at sentencing.[40]

The widespread impact of these laws plays a large part in existing and perpetuating racial disparities nationally. Vehicles like § 13-8-13(e), providing broad parole eligibility to youth and young adults impacted by the wave of superpredator-inspired transfer and sentencing laws, are a crucial tool for combating racial disparities in the criminal legal system.

C. Many states have adopted retroactive parole eligibility as the proper mechanism for relief from unconstitutionally disproportionate sentences for youth and young adults.

Passing Mario's Law brought Rhode Island into step with the national movement away from extreme sentences for youth and young adults. Following the Supreme Court decisions, states around the country have safely adopted sentence review and release procedures that consider the mitigating qualities and rehabilitative capacity of adolescents. This evolving jurisprudence on the culpability of youth is grounded in the understanding that adolescents are less culpable than adults and more amenable to rehabilitation because their brains are still maturing.

Since *Miller*, many states have passed laws that create a mechanism to allow meaningful opportunities for release for people who committed crimes as

[40] *Belcher*, 342 Conn. at 20-24.

adolescents. R.I.§ 13-8-13(e) aligns Rhode Island with this national trend —the most common way states have addressed this issue legislatively is through retroactive parole relief. In *Montgomery*, the Court affirmed parole review was a suitable approach when it cited the Wyoming statute creating parole review for children previously sentenced to LWOP in lieu of resentencing. [41] The specific eligibility requirements for release in each state enacting these reforms vary and are largely left to the discretion of paroling authorities. But these statutes commonly establish a time frame in which a person who committed their crime as an adolescent becomes eligible for parole review.

Retroactivity is a crucial component of these statutes. It addresses existing sentences that are unconstitutionally disproportionate and fail to allow for a meaningful opportunity for release for youth and young adults, as required by the Supreme Court. Retroactive parole eligibility after a set number of years allows states to simultaneously address life and life equivalent sentences as well as consecutive sentences and mandatory minimums that were imposed without consideration of youth and its attendant characteristics.

In 2014, West Virginia enacted legislation reflecting the emerging neuroscience and constitutional reasoning set forth in *Miller*. West Virginia's statute

[41] *Montgomery*, 577 U.S. at 212*; see* Wyo. Stat. Ann. §6-10-301 (2013) which established parole review after 25 years for children who were previously sentenced to LWOP.

established parole eligibility after no more than 15 years for anyone who was convicted of a crime committed when they were less than eighteen.[42] Similarly, in Virginia, any person who was under eighteen when the offense or offenses were committed is eligible for parole review after serving 20 years of their sentence.[43] In Louisiana, except for certain enumerated offenses where a Court has previously held a hearing to determine parole eligibility, youth under the age of eighteen at the time the crime was committed become eligible for parole review after serving 25 years of their sentence.[44] Additionally, in Oregon, juvenile offenders become eligible for parole after serving 15 years of their sentence.[45] The Oregon statute further delineates factors that the parole board is to consider that reflect a recognition of the transient immaturity of youth and support the intent of the law to provide a meaningful opportunity for release.[46]

Other states have taken a slightly different approach in crafting legislation that specifies a certain number of years depending on the specific offense committed. In Connecticut, youth who were sentenced for crimes committed before they turned eighteen, and were sentenced to longer than 10 years of incarceration become

[42] W.Va. Code §61-11-23 (2014).
[43] Va. Code Ann. § 53.1-165.1 (2020).
[44] La. Rev. Stat. Ann. §15:574.4; *see* La. C.Cr.P. Art. 878.1.
[45] Or. Rev. Stat. § 144.397
[46] *Id.* at § 144.397(5)

eligible for parole at the discretion of the parole board after a minimum of 12 years to a maximum of 30 years.[47] In Ohio, youth become eligible for parole after 18, 25 or 30 years.[48] And in California, the legislature drafted a statute that included all youthful offenders up to the age of twenty-five for parole review eligibility after serving 15, 20 or 25 years depending on the controlling offense.[49]

Most recently in 2023, statutes were enacted in New Mexico[50] and Minnesota[51] retroactively establishing parole eligibility for children sentenced as adults. Pursuant to §31-21-10.2 of the New Mexico Criminal Procedure Code, children become eligible for parole after no more than 15, 20 or 25 years, depending on the offense committed. Minnesota's statute is similar, but the relevant time periods are 15, 20 or 30 years. Notably, Minnesota's statute delineates the legislature's intent to include *any and all combination of sentences* for those who were under eighteen at the time of their offense, stating "any person serving one or more mandatory life sentences or any combination of sentences that include combined terms of imprisonment that exceed the applicable minimum term specified

[47] Conn. Gen. Stat. § 54-125a.(f)(1)(A) if such person is serving a sentence of fifty years or less, such person shall be eligible for parole after serving sixty per cent of the sentence or twelve years, whichever is greater, or (B) if such person is serving a sentence of more than fifty years, such person shall be eligible for parole after serving thirty years.
[48] Ohio Rev. Code Ann. §2967.132 (2021).
[49] Cal. Pen. Code §3051 (2018).
[50] N.M. Stat. Ann. §31-21-10.2 (2023).
[51] Minn. Stat §244.05 (2023).

Case Number: SU-2022-0092-MP
Filed in Supreme Court
Submitted: 2/18/2024 1:45 PM
Envelope: 4491585
Reviewer: Zoila Corporan

in this section is eligible for supervised release if the person was under the age of 18 at the time of the commission of the relevant offenses…"[52] All of these statutes contemplate a prescribed period before reviewing all sentences. They do not carve out consecutive sentences. Statutes like § 13-8-13(e) operate with recognition of the transient immaturity of youth and ability to mature with age: they provide those convicted of crimes in their youth a meaningful opportunity for release.

D. Many states also protect emerging adults from extreme sentences considering the growing scientific record on adolescent development.

In the nearly twenty years since *Roper*, research has shown that most of the reasons that led the Court to conclude that children were insufficiently culpable to warrant the death penalty, and in more recent cases, to warrant sentences of LWOP, are factors that remain present in "emerging adults."[53] When revisiting juvenile sentencing in *Miller*, the Court heard from experts arguing that brains are not "fully mature until an individual reaches his or her twenties," and that portions of the brain which improve decision-making and control impulses do not fully develop until

[52] Minn. Stat. Ann. §244.05 Subd. 4b.

[53] Jeffrey Arnett, *Emerging Adulthood: The Winding Road from the Late Teens Through the Twenties* (2d ed. 2014). *See* Elizabeth S. Scott et al, *Young Adulthood as a Transitional Legal Category: Science, Social Change, and Justice Policy*, 85 FORDHAM L. REV. 641, 647 (2016).

then.[54] Developments in neuroscience and psychology undermine the appropriateness of drawing a line between childhood and adulthood at the age of eighteen.[55] Research shows that the gap between the prefrontal cortex and other portions of the brain persists well into a person's twenties. As a result, experts have testified in capital cases that "if a different version of *Roper* were heard today, knowing what we know now, one could've made the very same arguments about eighteen-, nineteen-, and twenty-year-olds that were made about sixteen- and seventeen-year-olds in *Roper*."[56]

Neuroscience findings show that brain development continues in young people until the age of twenty-five, with these "emerging adults" exhibiting the same immaturity, vulnerability, and rehabilitative potential that the Court found significant in *Miller* and *Montgomery*.[57] In light of the Court's repeated rationale

---

[54] *Miller*, 567 U.S. 460, 572 (2012); Brief for American Psychological Association et al. as Amici Curiae Supporting Petitioners at 5, 9, *Miller v. Alabama*, 567 U.S. 460 (2012) (Nos. 10-9646, 10-9647); Brief for J. Lawrence Aber et al as *Amici Curiae* Supporting Petitioners at 15-16, *Miller*, 567 U.S. 460 (Nos. 10-9646, 10-9647).

[55] *See* Brief of Amici Curiae Juvenile Law Center, Campaign for Fair Sentencing of Youth et al. in Support of Respondent Lee Boyd Malvo, *Mathena v. Malvo* (No. 18-217) (August 27, 2019).

[56] *Kentucky v. Bredhold*, No. 14-CR-161, at 2 (Fayette Cir. Ct. Aug. 1, 2017) (quoting testimony of Dr. Laurence Steinberg), https://deathpenaltyinfo.org/files/pdf/TravisBredholdKentuckyOrderExtendingRope [https://perma.cc/9HG4-6MYN].

[57] Insel & Tabashneck, Ctr. For Law, Brain & Behavior at Mass General Hospital, White Paper on the Science of Law Adolescence: A Guide for Judges, Attorneys and

that children are less culpable than adults,[58] coupled with this additional data, a growing number of states have reformed their criminal sentencing.

In 2015, Connecticut retroactively eliminated LWOP sentences for individuals who committed crimes prior to age eighteen. The state also required courts to consider the mitigating aspects of youth when sentencing juveniles to serious felonies, and established automatic parole eligibility for anyone who committed a crime prior to turning eighteen.[59]

The state's most recent reform represents the legislature's acknowledgment of the developing brains of emerging adults. On October 1, 2023, Connecticut's Bill 952 went into effect (becoming Law 23-169). It dramatically expands parole eligibility for individuals who committed criminal offenses between the ages of 18 and 21.[60] Pursuant to this reform, the Board of Pardons and Paroles will consider

---

Policy Makers 22 (2022), https://clbb.mgh.harvard.edu/wp-content/upload/CLBB-White-Paper-on-the-SCience-of-Late-Adolescene-pdf (CLBB).

[58] *See* Stephen St. Vincent, *Kids Are Different*, 109 Mich. L. Rev. First Impressions 9 (2010); Jody Kent Lavy, *Notion that "Kids Are Different" Takes Hold in Youth Justice Policy Reform*, JUV. JUST. INFO. EXCH. (Dec. 31, 2012); *J.D.B. v. North Carolina*, 564 U.S. 261 (2011) (holding that youth is relevant for the purposes of whether someone is in custody such that Miranda warnings are constitutionally required); *Montgomery v. Louisiana*, 577 U.S. 190 (2016) (holding that *Miller* should be applied retroactively).

[59] Conn. Pub. L. 15-84, *An Act Concerning Lengthy Sentences for Crimes Committed by a Child or Youth Convicted of Certain Felony Offenses* (2015).

[60] Act effective Oct. 1, 2023, Conn. Pub. L. No. 23-169 (2023) (codified at Conn. Gen. Stat. §54-125a), https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2023&bill_num=952.

parole for those who have served the majority of their sentence; an individual sentenced to 10 to 50 years will be eligible for parole after serving the greater or 12 years or 60% of their sentence.[61]

In 2013, Massachusetts' Supreme Judicial Court (SJC) determined, based on the scientific evidence available, that any sentence of LWOP imposed on individuals who were under eighteen violated the Commonwealth's provision banning cruel and unusual punishment.[62] The SJC concluded that three characteristics differentiated juveniles from adult offenders: lack of maturity, greater vulnerability to negative influences and pressures, and a greater potential for rehabilitation.[63] It thus went further than *Miller*, holding that even discretionary LWOP sentences for those who are under eighteen when they commit the offense violates the state constitutional prohibition against cruel and unusual punishment. As a result, individuals who were serving LWOP sentences for crimes committed under the age of 18 now have retroactive parole eligibility after 15 years.

Sheldon Mattis, who was convicted of first-degree murder stemming from a shooting that occurred when he was eighteen years old, and Jason Robinson, who was convicted of first-degree murder for a crime that occurred when he was 19-

---

[61] *Id.* And if their sentence exceeds 50 years, they are eligible for parole after 30 years.
[62] *Diatchenko v. District Attorney for the Suffolk Dist.*, 466 Mass. 655, 658-659 (2013).
[63] *Diatchenko*, 466 Mass. at 670.

years-old, argued that circumstances attendant to youth also make late adolescent offenders less culpable for their criminal offenses, and better disposed for rehabilitation.[64] They urged the SJC extend its holding in *Diatchenko* and categorically bar LWOP sentences for late adolescents.[65] Mattis and Robinson argued that the consensus in developmental psychology and neuroscience clarify that late adolescents continue to develop in profound ways irreconcilable with the conclusion that they "pose an ongoing and lasting danger to society."

Last month, based on precedent and contemporary standards of decency informed by an updated scientific record, the SJC held that an LWOP sentence imposed on someone who under twenty-one at the time they committed a crime violates article 26 of the Massachusetts Constitution.[66] The SJC emphasized the lower court's core findings of the fact regarding emerging adults. They "(1) have a lack of impulse control similar to sixteen- and seventeen-year-olds in emotionally arousing situations, (2) are more prone to risk taking in pursuit of rewards than those under eighteen years and those over twenty-one years, (3) are more susceptible to

[64] *Commonwealth v. Mattis*, 493 Mass. 216, 221 (2024).
[65] *Id.* (asking the SJC to affirm the lower court's finding that mandatory imposition of a sentence of life without parole for offenders who were eighteen, nineteen, or twenty years old at the time they committed their crime violated the state's constitution).
[66] *Mattis*, 493 Mass. at 230-33.

peer influence than individuals over twenty-one years, and (4) have a greater capacity for change than older individuals due to the plasticity of their brains."[67]

Similarly, the Michigan Supreme Court held that imposing mandatory LWOP for 18-year-olds violates its state constitutional ban on cruel or unusual punishment.**[68]** Like Massachusetts' article 26, Michigan's analogue has been interpreted more broadly than the Eighth Amendment and guarantees proportionate punishment. Michigan reasoned that because "the Eighth Amendment dictates that youth matters in sentencing," and because science has shown that eighteen-year-olds possess the same attributes of youth as do juveniles, mandatorily sentencing an eighteen-year-old to LWOP is "unusually excessive imprisonment and thus a disproportionate sentence that constitutes 'cruel or unusual punishment'" under the state's constitution.[69] The Michigan Court of Appeals has since confirmed that this relief applies retroactively, granting opportunities for parole for an estimated 274 people who were eighteen at the time of their offenses.[70]

---

[67] *Mattis*, 493 Mass. at 230-245; *see* Steinberg, *A Social Neuroscience Perspective on Adolescent Risk Taking*, 28 Developmental Rev. 78, 82-84, 85-89 (2008).
[68] *People v. Parks*, 510 Mich. 225, 234, 255 (2022).
[69] *Parks*, 510 Mich. at 256.
[70] *People v. Poole*, _ N.W. 3d_, 2024 WL 201925 (Jan. 18, 2024); Jonathan Sacks, *Michigan Supreme Court Expansion of Youth Sentencing, State Appellate Defender Response, and What's Next*, MICHIGAN STATE APPELLATE DEFENDER OFFICE, https://www.sado.org/Articles/Article/980.

In 2019, Illinois enacted a law permitting parole review after a person serves ten or twenty years of a sentence for most crimes, exclusive of LWOP sentences, if that person was twenty-one or younger at the time of their offense.[71] Building on that legislation, Illinois ended LWOP sentences for most individuals under twenty-one years old in 2023 by eliminating carveouts in the previous law, allowing parole review for those previously serving natural life sentences.[72]

In 2017, California eliminated LWOP sentences for juveniles, which also applied retroactively—anyone presently serving an LWOP sentence whose crime occurred before they turn 18 is eligible for parole following 25 years of incarceration.[73]

More recently, California has extended youth offender parole eligibility to individuals who committed criminal offenses before twenty-five years of age and have been sentenced to fifteen years or more of incarceration.[74] The expanded parole eligibility requires the parole board to consider the known characteristics of youth

[71] 730 Ill. Comp. Stat. 5/5-4/5-115. This reform extending parole eligibility was not retroactive, but a bill is pending to make the expanded eligibility apply retroactively. *See* Public Act 102-1128 (2023).
[72] Ill. Pub. L. No. 102-1128, §5 (2023).
[73] S.B. 394 (Cal. Penal Code § 3051) (2017); *see* https://juvenilesentencingproject.org/california/.
[74] Cal. Penal Code § 3051. There is a narrow exception for individuals sentenced pursuant to the state's "Three Strikes" law, and individuals must have been convicted in adult court.

and permits individuals eligible for parole to submit material describing the role of immaturity in their crime and subsequent personal growth.[75]

The District of Columbia enacted the Incarceration Reduction Amendment Act (IRAA) in 2016, which permitted anyone who committed a crime as a juvenile to petition for a resentencing after having served twenty years of their sentence.[76] When none of the individuals released pursuant to IRAA reoffended, proponents sought to extend the reform to all individuals who committed crimes before they were twenty-five.[77] Despite vigorous protest,[78] the D.C. Council passed an amendment to its initial reform, extending the resentencing opportunity to individuals whose crime occurred before they turned twenty-five and who had served a minimum of fifteen years of incarceration.[79] This "Second Look Amendment Act" applies to all sentences. Washington D.C. thus recognizes the science and psychology of emerging adults, providing a chance at sentence reduction

---

[75] *See* Santa Clara County Public Defender's Office, *Youthful Offender Parole*, https://pdo.santaclaracounty.gov/cases-we-take/juvenile/youthful-offender-parole.
[76] Madison Howard, *Second Chances: A Look at D.C.'s Second Look Act*, AM. UNIV. WASH. COLL. L.: THE CRIM. L. PRACTICE (May 8, 2021).
[77] Michael Serota, *Taking a Second Look at (In)justice*, UNIV. CHIC. LAW REV. ONLINE (Jan. 23, 2020), https://lawreviewblog.uchicago.edu/2020/01/23/taking-a-second-look-at-injustice-by-michael-serota/.
[78] Professor Kathryn Miller details the fierce criticism to extending this bill. *See A Second Look for Children Sentenced to Die in Prison*, 75 OKLAHOMA LAW REV. 141 (2022).
[79] D.C. Code Ann. 24-403.03 (West. 2021).

for all individuals who were under twenty-five years old when they committed a crime.[80]

The Supreme Court of Washington, considering evolving standards of decency, updated brain science, and various Supreme Court and state precedent, concluded that mandatory LWOP sentences when imposed on individuals under twenty-one when they committed a crime violated the state constitution.[81] Finding that "[m]odern social science, our precedent, and a long history of arbitrary line drawing have all shown that no clear line exists between childhood and adulthood",[82] the court concluded that "youthful defendants older than 18 share the same developing brains and impulsive behavioral attributes as those under 18" and thus must qualify for similar constitutional protections.[83]

This growing wave of reforms shares a rehabilitative lens, grounded in scientific development and common-sense observations about young people, for evaluating young adults who commit serious crimes. § 13-8-13(e) brings Rhode Island closer in step with scientific advancements surrounding youth and young adults, and with other states addressing the important societal concerns around over-incarceration, racial disparities in sentencing, and evolving standards of decency.

---

[80] D.C. Code 24-403-03.
[81] *In re Monschke*, 197 Wash. 2d 305, 325-26 (2021).
[82] *Monschke*, 197 Wash. 2d at 306.
[83] *Monschke*, 197 Wash. 2d at 313.

Case Number: SU-2022-0092-MP
Filed in Supreme Court
Submitted: 2/18/2024 1:45 PM
Envelope: 4491585
Reviewer: Zoila Corporan

III. INTERPRETING § 13-8-13(E) TO REQUIRE SERVICE OF CONSECUTIVE SENTENCES IS OUT OF STEP WITH THE REST OF THE COUNTRY AND VIOLATIVE OF THE CONSTITUTION

A. The vast majority of statutes addressing this issue have found 15-30 years before parole review to be appropriate.

As discussed, most states addressing this issue legislatively have concluded that parole review between 15 and 30 years is appropriate for youthful offenders. This reflects a legislative intent informed by brain science that most people will have aged out of crime by that point, and a reflection that youth are fundamentally capable of rehabilitation and less deserving of the most severe punishments. Surveying the state of the law on this issue, the Court of Appeals of Alaska found that the majority of states addressing this fixed parole eligibility between 20 and 30 years.[84] The New Jersey Supreme Court, undertaking a similar analysis of the statutory landscape, found that a mandatory 30 year parole bar violated evolving standards of decency.[85] The Tennessee Supreme Court, similarly, struck down their 51-year mandatory minimum, having concluded that 36 states (¾ of the country) allow for the

[84] *Fletcher v. State*, 532 P.3d 286, 296-298 (Alaska Ct. App. 2023).

[85] "Today, in at least 13 states and the District of Columbia, juveniles can be paroled or resentenced before serving 30 years in prison…most of these states passed laws that allow for lesser sentences after Graham and Miller. And two recent State Supreme Court decisions held that mandatory minimums for juveniles constitute cruel and unusual punishment." *State v. Comer*, 266 A.3d 374, 396 (N.J. 2022).

possibility of release in less than 35 years.[86] Nationally, the median new sentence for people formerly serving JLWOP has been parole eligibility after 25 years.[87]

Examining the legislative intent in these states reveals a focus on wanting to ensure opportunities for individuals to demonstrate redemption, rehabilitation, and provide a meaningful opportunity for return to their communities. For instance, in Maryland, which provides for modification of sentence after 20 years, a sponsor said "People can change. Redemption is possible. When that happens, as a society we should rejoice. We should be willing to give such a person a second chance."[88] In Ohio, the Senate President stated: "We are a nation that believes in redemption."[89]

Interpreting § 13-8-13(e) to require service of consecutive sentences undermines the legislative intent motivating these reforms and exposes youth to sentences far outside these national norms.

---

[86] *State v. Booker*, 656 S.W.3d 49, 62 (Tenn. 2022).
[87] Campaign for the Fair Sentencing of Youth, *Montgomery v. Louisiana 4 Year Anniversary* (2020), https://cfsy.org/wp-content/uploads/Montgomery-Anniversary-1.24.pdf.
[88] Campaign for the Fair Sentencing of Youth, *Redemption is not a Partisan Issue* (2022), https://cfsy.org/wp-content/uploads/Redemption-is-not-a-partisan-issue.pdf.
[89] *Id.*

B. Precluding eligibility based on consecutive sentences undermines the science and law on this issue.

Interpreting Rhode Island's reform to require parole to consecutive sentences risks circumventing the statutory intent to provide meaningful opportunities for release and makes it likely that many individuals will continue to serve unconstitutionally disproportionate sentences. When these youth were originally sentenced, judges lacked information about their potential for rehabilitation, and were likely not considering the sentence through the current lens of adolescent development and the inherently mitigating aspects of youth. The Supreme Court has repeatedly cautioned that it is extremely difficult for sentencers to make these determinations at the front end, and that parole boards are suitably equipped to make this decision.[90]

Further, if individuals now eligible under § 13-8-13(e) were sentenced to consecutive sentences under mandatory schemes, they did not benefit from any

[90] "It is difficult even for expert psychologists to differentiate between the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption." *Graham*, 560 U.S. at 68 (citing *Roper*, 543 U.S. at 573). *See also Montgomery*, 577 U.S. at 212 ("Extending parole eligibility to juvenile offenders does not impose an onerous burden on the States, nor does it disturb the finality of state convictions. Those prisoners who have shown an inability to reform will continue to serve life sentences. The opportunity for release will be afforded to those who demonstrate the truth of *Miller*'s central intuition – that children who commit even heinous crimes are capable of change.").

consideration of their youth or individualized sentencing to tailor proportionate punishment. Thus, requiring service of these consecutive sentences undermines the sufficiency of the legislation at providing relief for possible constitutional violations. Indeed, when striking down a mandatory minimum of 30 years for youth, the New Jersey Supreme Court articulated this twofold constitutional concern: "the court's lack of discretion to assess a juvenile's individual circumstances and the details of the offense before imposing a decades-long sentence with no possibility of parole; and the court's inability to review the original sentence later, when relevant information that could not be foreseen might be presented."[91]

Other states have gone ever farther to address this issue, barring the imposition of mandatory minimums and requiring individualized consideration of youth at sentencing.[92] In striking down a mandatory 10 year sentence imposed on a 17-year-old, the Iowa Supreme Court concluded that mandatory sentences not only for the most severe, lifetime terms, but also for lesser sentences raise constitutional concerns because they serve to deprive sentencers of the ability to "craft a punishment that serves the best interests of the child and society."[93]

[91] *State v. Comer*, 266 A.3d 374, 401 (N.J. 2022).
[92] *State v. Lyle*, 854 N.W. 2d 378 (Iowa 2014); *State v. Houston-Sconiers*, 391 P.3d 409 (Wash. 2017).
[93] *State v. Lyle* at 402.

Case Number: SU-2022-0092-MP
Filed in Supreme Court
Submitted: 2/18/2024 1:45 PM
Envelope: 4491585
Reviewer: Zoila Corporan

Provisions like the retroactive parole relief provided by § 13-8-13(e) are a key tool for states to grant relief from mandatorily imposed minimums and consecutive sentences, where young people were sentenced without the consideration of their youth and its mitigating circumstances.

C. Precluding review for lengthy terms does not provide *Miller*'s required "meaningful opportunity for release"; does not account for rehabilitative potential and diminished culpability of youth and young adults.

The Court made clear in *Graham* that states are not required to ensure eventual freedom to youth who commit non-homicide offenses, but that states must provide "some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."[94] A sentence that does not provide such an opportunity is, under *Graham,* a de facto life sentence. In *Miller*, while stopping short of a categorical ban on LWOP sentences for youth, the Court expressly held that the scientific studies underpinning and the rationale for the holding in *Graham* are not crime specific.[95] "To be sure, *Graham*'s flat ban on life without parole applied only to nonhomicide crimes…but none of what it said about children – and their distinctive (and transitory) mental traits and environmental vulnerabilities – is crime specific. So *Graham*'s reasoning implicates any life without parole sentence imposed on a

[94] *Graham*, 560 U.S. at 75.
[95] *Miller*, 567 U.S. at 473.

juvenile, even as its categorical bar relates only to nonhomicide offenses."[96] "By removing youth from the balance" mandatory sentencing schemes and other stacked sentencing schemes prevent a sentencer "from assessing whether the law's harshest term of imprisonment proportionately punishes a juvenile offender."[97]

Under *Miller* then, a sentence that does not provide a "meaningful opportunity for release based on demonstrated maturity and rehabilitation" is unconstitutional even for homicide offenders when their crime reflects "unfortunate yet transient immaturity" rather than irreparable corruption.[98] None of this underlying rationale or brain science changes if the youth in question commits multiple offenses or receives multiple charges stemming from the same incident.

Courts addressing the question of what constitutes a de facto life sentence have taken several approaches. Some have looked to life expectancy tables.[99] More recently, courts have considered "meaningful" in relation to the remaining quality of life upon release.[100] The Ohio Supreme Court, considering stacked consecutive

---

[96] *Id.*
[97] *Id.* at 474.
[98] 567 U.S. at 479-80.
[99] Use of life expectancy tables in this context have been controversial, with critics and courts pointing out that life expectancy is impacted by race and gender, that they may not be accurate with regards to youthful offenders, and that their use does not allow for individualized consideration, as they are based on averages. *See, e.g.*, *People v. Contreras*, 411 P3d. 445 (Cal. 2018); *Carter v. State* 192 A.3d 695 (Md. 2018); *State v. Zuber*, 152 A. 3d 197 (N.J. 2017).
[100] *Fletcher*, 532 P.3d at 314.

sentences totaling 141 years found that "it is clear the court intended more than to simply allow juveniles-turned-nonagenarians the opportunity to breathe their last breaths as free people. The intent was not to eventually allow juvenile offenders the opportunity to leave prison in order to die but to live part of their lives in society."[101]

Similarly considering a 46-life sentence, the Washington Supreme Court concluded that such a sentence is unconstitutional as applied to youth because "it leaves the incarcerated individual without a meaningful life outside of prison."[102] North Carolina's Supreme Court, addressing two consecutive life sentences for two counts of first-degree murder, found that "[a] genuine opportunity requires both some meaningful amount of time to demonstrate maturity while the juvenile offender is incarcerated and some meaningful amount of time to establish a life outside of prison should he or she be released."[103] The court also looked to the United States Sentencing Commission's analysis which considers 470 months (39.17 years) the equivalent of a life sentence to reach their holding that "**any sentence or sentences which, individually or collectively,** require a juvenile to serve more than forty years before becoming eligible for parole is a de facto life sentence without parole" (emphasis added).[104]

---

[101] *State v. Moore*, 76 N.E. 3d 1127, 1137 (Ohio 2016).
[102] *State v. Haag*, 495 P.3d 241, 250 (Wash. 2021).
[103] *State v. Kelliher*, 873 S.E.2d 366, 388 (N.C. 2022).
[104] *Kelliher*, 873 S.E.2 at 388-389.

Any interpretation of § 13-8-13(e) that requires service of stacked or consecutive sentences beyond the 20-year period established in the statute undermines the legislative intent of these measures, and runs the grave risk that Rhode Island youth are and will continue to be serving unconstitutionally disproportionate sentences.

CONCLUSION

For the foregoing reasons, *Amici Curiae* respectfully request that the decision below from the Superior Court be upheld, and Respondents be released in accordance with their pre-existing parole decisions.

Respectfully submitted,

/s/ Thomas W. Lyons
Thomas W. Lyons, RI Bar #2946
Strauss, Factor, Laing & Lyons
One Davol Square, Suite 305
Providence, RI 02903
401-456-0700
tlyons@straussfactor.com

/s/ Aliza Hochman Bloom
Aliza Hochman Bloom
Assistant Professor of Law
Northeastern University School of Law
416 Huntington Avenue
Boston, MA 02115
a.hochmanbloom@northeastern.edu

/s/ Rebecca Turner
Rebecca Turner

Associate Legal Director
Campaign for the Fair Sentencing of Youth
1319 F St NW, Suite 303
Washington, DC 20004
rturner@cfsy.org

/s/Teresa Kominos
Policy Counsel
Human Right for Kids
1250 Connecticut Avenue NW
Washington, D.C. 20036
tkominos@humanrightsforkids.org

Counsel for Amici Curiae

Dated: February 18, 2024

Case Number: SU-2022-0092-MP
Filed in Supreme Court
Submitted: 2/18/2024 1:45 PM
Envelope: 4491585
Reviewer: Zoila Corporan

CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH RULE 18(B)

1. This brief contains 7,355 words, excluding the parts exempted from the word count by Rule 18(b).

2. This brief complies with the font, spacing, and type size requirements stated in Rule 18(b).

/s/ Thomas W. Lyons

Case Number: SU-2022-0092-MP
Filed in Supreme Court
Submitted: 2/18/2024 1:45 PM
Envelope: 4491585
Reviewer: Zoila Corporan

CERTIFICATE OF SERVICE

I hereby certify that, on the 18th day of February, 2024:

1. I filed and served this document through the electronic filing system on the following:

Sonja L. Deyoe
SLD@the-straight-shooter.com
Lisa S. Holley
lisa@lisaholleylaw.com
Lynette J. Labinger
LL@labingerlaw.com

Counsel for Respondents
Neves, Nunes, Ortega, and Monteiro

Christopher Bush
cbush@riag.ri.gov
Judy Davis
jdavis@riag.ri.gov

Counsel for Defendants

State of Rhode Island
Nicole B. Dilibero
nicole.dilibero@doc.ri.gov

Counsel for Amicus Curiae Rhode Island Department of Corrections

Laura A. Pisaturo
Laura.Pisaturo@doc.ri.gov

Counsel for Amicus Curiae Rhode Island Parole Board

2. The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Thomas W. Lyons