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IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

No.

COMMONWEALTH OF PENNSYLVANIA,

Respondent,

v.

IVORY KING,

Petitioner.

BRIEF OF JUVENILE LAW CENTER AND DEFENDER ASSOCIATION OF PHILADELPHIA AS *AMICI CURIAE* IN SUPPORT OF PETITIONER IVORY KING

On Petition for Allowance of Appeal from the October 11, 2024 Judgment of the Superior Court of Pennsylvania, No. 406 EDA 2023, Affirming the November 21, 2022 Judgment of Sentence of the Court of Common Pleas of Bucks County, CP-09-CR-0003727-1998

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STATEMENT OF INTEREST OF *AMICI CURIAE*[1]

Juvenile Law Center fights for rights, dignity, equity, and opportunity for youth. Juvenile Law Center works to reduce the harm of the child welfare and justice systems, limit their reach, and ultimately abolish them so all young people can thrive. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center's legal and policy agenda is informed by—and often conducted in collaboration with—youth, family members, and grassroots partners. Since its founding, Juvenile Law Center has filed influential *amicus* briefs in state and federal courts across the country to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are consistent with children's unique developmental characteristics and human dignity.

The **Defender Association of Philadelphia** is an independent, non-profit corporation created in 1934 by a group of Philadelphia lawyers dedicated to the ideal of high-quality legal services for indigent criminal defendants. Today some 250 full time Assistant Defenders represent clients in adult and juvenile, state, and federal, trial and appellate courts, and at civil and criminal mental health hearings as well as at state and county violation of probation/parole hearings. Association attorneys also

[1] Pursuant to Rule 531, no counsel for a party authored this brief in whole or in part. No person or entity, other than *Amici*, their members, or their counsel made a monetary contribution for the preparation or submission of this brief. *Amici* participated in the underlying proceeding in the Superior Court of Pennsylvania, No. 406 EDA 2023, as to which the petition for allowance of appeal seeks review.

serve as the Child Advocate in neglect and dependency court. More particularly, Association attorneys represent juveniles charged with homicide. Following the Supreme Court's decision in *Montgomery v. Louisiana*, 577 U.S. 190 (2016), approximately 325 juvenile lifers in Philadelphia required resentencing. The Defender Association was appointed as counsel for about 225 juvenile lifers requiring resentencing. The constitutionality of the sentences some of those clients received has been challenged at the trial level and at the appellate level by Defender Association lawyers.

SUMMARY OF ARGUMENT

Amici urge this Court to grant Mr. King's petition for review to ensure fidelity to Article I, Section 13 of the Pennsylvania Constitution and address the Superior Court's incorrect interpretation of the provision. The Framers of the Pennsylvania Constitution intended that any punishment that is not necessary to deter or reform is cruel under Article I, Section 13. A life without parole sentence, or its *de facto* equivalent, is cruel and therefore unconstitutional under the Pennsylvania Constitution when imposed on an individual who was a child at the time of the crime, whose crime reflects transient maturity, and who has a capacity for rehabilitation. Such is the case for Mr. King. In fact, the sentencing judge agreed that Mr. King had demonstrated rehabilitation.

ARGUMENT

A life without parole sentence, or a *de facto* life sentence, imposed upon a "child whose crime reflects transient immaturity" violates Article I, Section 13 of the Pennsylvania Constitution.[2] Mr. King's four consecutive 20-to-life sentences—for a total sentence of 80 years to life—is a *de facto* life without parole sentence and is disproportionate, and hence unconstitutionally cruel punishment under the Pennsylvania Constitution. In addition, Petitioner's sentence stands out among resentences for juvenile lifers across the Commonwealth. To date, approximately 93% of Pennsylvania's juvenile lifers (499 of 534 individuals) have been resentenced; nearly 75% were resentenced to minimum terms of 35 years to life or less, including consecutive sentences.[3] Petitioner's sentence of four consecutive 20-to-life sentences is an outlier.

I. ALLOCATUR SHOULD BE GRANTED TO CLARIFY THAT A *DE FACTO* LIFE SENTENCE, LIKE THAT IMPOSED ON MR. KING, VIOLATES ART. I, § 13 OF THE PENNSYLVANIA CONSTITUTION

Pennsylvania Courts are obligated to conduct a separate Article I, Section 13 analysis when evaluating claims of "cruel punishment": "[C]laims of cruel

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[2] Such a sentence is also categorically disproportionate under the Eighth Amendment of the United States Constitution. Even as interpreted under *Jones v. Mississippi*, the Eighth Amendment requires more than simply the exercise of discretion: "That *Miller* did not impose a formal factfinding requirement does not leave States free to sentence a child whose crime reflects transient immaturity to life without parole. To the contrary, *Miller* established that this punishment is disproportionate under the Eighth Amendment." 593 U.S. 98, 106 n.2 (2021) (quoting *Montgomery v. Louisiana*, 577 U.S. 190, 211 (2016)).

[3] Data on file with Juvenile Law Center.

punishment may warrant a separate analysis under the U.S. and Pennsylvania Constitutions, as the two could conceivably yield different results in the same factual scenario, particularly where there is some basis for a distinct state constitutional approach." *Commonwealth v. Baker*, 78 A.3d 1044, 1054-55 (Pa. 2013) (Castille, C.J., concurring). This remains true even following this Court's decision in *Commonwealth v. Felder* where Justice Donohue acutely noted:

> Today's decision does not foreclose further developments in the law as to the legality of juvenile life without parole sentences (or their *de facto* equivalent as alleged here) under the Pennsylvania Constitution nor as to how appellate courts will review the discretionary aspects of such sentences.

269 A.3d 1232, 1247 (Pa. 2022) (Donohue, J. concurring, joined by Todd, J.).

Importantly, Pennsylvania is not "bound by the decisions of the United States Supreme Court which interpret similar (yet distinct) federal constitutional provisions." *Commonwealth v. Edmunds*, 586 A.2d 887, 894 (Pa. 1991). The federal Constitution establishes a minimum level of rights and protections, but states have the power to provide broader relief "beyond the minimum floor which is established by the federal Constitution." *Id.* (citing *Commonwealth v. Sell*, 470 A.2d 457, 467 (Pa.1983)). To maintain autonomy, states are encouraged to engage in their own independent analysis "in drawing meaning from their own state constitutions." *Id.* And, indeed, the Framers of the Pennsylvania Constitution did just that. As such, when imposed on Mr. King, a child whose crime reflects transient immaturity, a

discretionary life without parole or a *de facto* life sentence is cruel and thus violates the Pennsylvania Constitution's broader protection from cruel punishment. *See Felder*, 269 A.3d at 1247-48 (Donohue, J. concurring).

A. Pennsylvania's Constitutional Ban on Cruel Punishments Is Not Co-Extensive with the Eighth Amendment's Ban on Cruel and Unusual Punishments

Earlier this year, this Court reversed *Fischer v. Dep't of Public Welfare*, 502 A.2d 114 (Pa. 1985), clarifying that when a state adopts its own unique constitutional provisions—in that case, Pennsylvania's Equal Rights Amendment—it does not mean for them to be merely redundant with the federal Constitution. *Allegheny Reprod. Health Ctr. v. Pennsylvania Dep't of Hum. Servs.*, 309 A.3d 808, 933-34; 947 (Pa. 2024) ("A conclusion that our Constitution's equal protection provisions are to be read in lockstep with the federal Equal Protection Clause runs the risk of rendering our own constitutional text, history, traditions, and jurisprudence 'a mere row of shadows.'") (citation omitted). Adhering to the Court's longstanding *Edmunds* framework, the Court emphasized that it "must give the Pennsylvania Constitution meaning, and unique meaning where it so provides." *Id.* at 944. That is as true for the state's Equal Rights Amendment as it is for its prohibition on cruel punishment.

Explicit in the Court's reasoning is that interpreting the state's constitutional provisions as simply mirrors of the federal Constitution would overlook unique

constitutional provisions that distinguish jurisprudence in this Commonwealth. As set forth below, the Framers of Article I, Section 13 intended for the state's cruel punishments clause to be broader than the cruel *and* unusual clause of the Eighth Amendment. Interpreting our state Constitution "in lockstep" with the federal Constitution runs afoul of the Framers' intent. In conducting a faithful interpretation of the Pennsylvania Constitution, the Court can protect its citizens where federal constitutional safeguards fall short—and where greater protection is precisely what the Framers intended.

Specifically with reference to youthful offenders serving extreme sentences, this Court previously considered whether to accord Article I, Section 13 a broader interpretation than the Eighth Amendment in *Batts I*. *Commonwealth v. Batts,* 66 A.3d 286, 297-99 (Pa. 2013). In declining to do so, the Court wrote: "[T]he arguments presented do not persuade us that the Pennsylvania Constitution requires a broader approach to proportionality vis-à-vis juveniles than is reflected in prevailing United States Supreme Court jurisprudence." *Id.* at 299.[4] The Court's

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[4] *See Batts*, 66 A.3d at 298 n.5 ("We recognize that this Court has previously held Article I, Section 13 to be coextensive with the Eighth Amendment in several contexts. *See Commonwealth v. Zettlemoyer*, 500 Pa. 16, 73-74, 454 A.2d 937, 967 (1982), *abrogated on other grounds by Commonwealth v. Freeman*, 573 Pa. 532, 827 A.2d 385 (2003) (death penalty); *Commonwealth v. 5444 Spruce St.*, 574 Pa. 423, 427-28, 832 A.2d 396, 399 (2003) (excessive fines); *Jackson v. Hendrick*, 509 Pa. 456, 465 n.10, 503 A.2d 400, 404 n.10 (1986) (prison conditions). Importantly, none of those cases involved juvenile offenders, who the Supreme Court has indicated are to be treated differently with respect to criminal punishment. *See, e.g.*, *Miller*, ---U.S. at ---, 132 S. Ct. at 2470."). *See also Commonwealth v. Cunningham*, 81 A.3d 1, 17 (Pa. 2013) (Castille, C.J.

position in *Batts I* cannot be squared with the historical record underlying the Pennsylvania provision, nor with its own framework for evaluating this question.

To determine whether the Pennsylvania provision confers broader protection than the Eighth Amendment, the Court must analyze: "1) [the] text of the Pennsylvania constitutional provision; 2) [the] history of the provision, including Pennsylvania case-law; 3) related case-law from other states; and 4) policy considerations, including unique issues of state and local concern, and applicability within modern Pennsylvania jurisprudence." *Edmunds*, 586 A.2d at 390.

1. The Text of the Pennsylvania Constitution Is Broader Than the Eighth Amendment

On its face, the text of the Pennsylvania Constitution is broader than the Eighth Amendment. Article I, Section 13 of the Pennsylvania Constitution provides that "excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted." Pa. Const. Art. I, § 13. This differs from the Eighth Amendment's more narrow prohibition against punishments that must be both "cruel" *and* "unusual." U.S. Const. Amend. VIII; *see Baker*, 78 A.3d at 1052 (Castille, C.J., concurring).

2. The History of Article I, Section 13 Demonstrates that the Drafters Sought to Prohibit All Punishments Which Did Not Deter or Support Rehabilitation

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concurring) (providing examples where "the Court has conducted a separate Article I, Section 13 analysis, even in instances where the Court believed that the governing Pennsylvania standard was coextensive with the federal standard.")

In a recent examination of the historical foundations for Pennsylvania's "cruel punishments" ban, one commentator noted that the original understanding of "cruel" by the Pennsylvania Framers favors a broader interpretation of the state provision. *See* Kevin Bendesky, *"The Key-Stone to the Arch": Unlocking Section 13's Original Meaning*, 26 U. Pa. J. Const. L. (2023).

The original purpose of punishment in Pennsylvania was to deter and reform. The Framers of the Pennsylvania Constitution came to believe that every punishment that is not absolutely necessary for deterrence is "tyrannical" and cruel. *See* Bendesky, *supra*, at 15-16. This informed the meaning of cruelty and led to Section 13 of the Pennsylvania Constitution.

In contrast, the Eighth Amendment originally sought to prohibit punishments that were unusual, where "terror, pain, or disgrace [were] superadded" to the penalty of death. *Bucklew v. Precythe*, 587 U.S. 119, 130 (2019) (alteration in original) (quoting William Blackstone, *Commentaries on the Laws of England* 370 (1769)). "Cruel" was understood to mean "[p]leased with hurting others; inhuman; hard-hearted; void of pity; wanting compassion; savage; barbarous; unrelenting," or "[d]isposed to give pain to others, in body or mind; willing or pleased to torment, vex or afflict; inhuman; destitute of pity, compassion or kindness." *Id.* (alterations in original) (first quoting Samuel Johnson, *A Dictionary of the English Language* (4th ed. 1773), and then quoting Noah Webster, *An American Dictionary of the*

English Language (1828)). Ratifiers of the Eighth Amendment sought to prohibit torturous and barbarous punishments such as disemboweling, public dissection, burning alive, mutilating, and other "atrocious" methods of execution, practices which "had long fallen out of use and so had become 'unusual.'" *See id.* Thus, the federal Framers were not concerned with proportionality, but with outlawing barbarous punishments.

At the federal level, a punishment also had to be both cruel *and* unusual, as the Court would permit punishments that were unusual, but not cruel. *See Bucklew*, 587 U.S. at 130-32 (citing *In Re Kemmler*, 136 U.S. 436, 447 (1890) (finding that death by electrocution was a new method of punishment and could be considered unusual, but was legal because the "punishment of death is not cruel, within the meaning of that word as used in the Constitution.")). According to the late Justice Scalia, this was intentional, as the Framers of the federal Constitution knew of state constitutions, like Pennsylvania's and South Carolina's, which prohibited only cruel punishment and guaranteed proportional punishments, but purposely chose not to adopt such provisions. *See Harmelin v. Michigan*, 501 U.S. 957, 966-67 (1991) (noting that the English Declaration of Rights, from which the Eighth Amendment "is taken almost verbatim," "did not explicitly prohibit 'disproportionate' or 'excessive' punishments" but only "'cruell and unusuall'" punishments [sic]).

Pennsylvania's independent meaning of "cruel" prevailed independently until the federal government ruled that the Eighth Amendment applied to the states. *See Robinson v. California*, 370 U.S. 660 (1962). Since then, Pennsylvania Courts appear to have ignored the state's history and purpose in banning "cruel" versus "cruel *and* unusual" punishments in its Constitution.

3. Other Jurisdictions Have Interpreted Similar State Protections More Broadly Than the Eighth Amendment

The language in Pennsylvania's Constitution banning cruel punishments is not unique; several other jurisdictions have likewise banned cruel punishments, or cruel *or* unusual punishments under their state constitutions. These constitutional provisions have been interpreted to provide greater protections than the Eighth Amendment. *See State v. Vang*, 847 N.W.2d 248, 263 (Minn. 2014) (Minnesota Supreme Court found the difference between its nearly identical "cruel or unusual" punishment provision as "'not trivial' because the 'United States Supreme Court has upheld punishments that, although . . . cruel, are not unusual'" (quoting *State v. Mitchell*, 577 N.W.2d 481, 488 (Minn. 1998))); *Hale v. State*, 630 So.2d 521, 526 (Fla. 1993) ("The federal constitution protects against sentences that are both cruel and unusual. The Florida Constitution, arguably a broader constitutional provision, protects against sentences that are either cruel or unusual."); *Commonwealth v. Concepcion*, 164 N.E.3d 842, 855 (Mass. 2021) (noting that Article 26 of the Massachusetts Constitution, which prohibits the infliction of "cruel *or* unusual

punishments," "affords defendants greater protections than the Eighth Amendment")[5]; *People v. Anderson*, 493 P.2d 880, 883 (Cal. 1972), *superseded by constitutional amendment*, Cal. Const. art. 1, § 27 (California Supreme Court rejected the idea that their state constitution was "coextensive" with the Eighth Amendment, and found that use of the disjunctive "or" in the state constitution was significant and purposeful); *see also People v. Baker*, 229 Cal. Rptr. 3d 431, 442 (Cal. Ct. App. 2018) (California Court of Appeal construed the state constitutional provision separate from its federal counterpart and found that the distinction between Eighth Amendment wording and the California Constitution was "purposeful and substantive rather than merely semantic"). *See also Burnor v. State*, 829 P.2d 837, 839-40 (Alaska Ct. App. 1992) (applying its own "single test to determine whether a statutory penalty constitutes cruel and unusual punishment").

The Washington Supreme Court interpreted its constitution as more protective than the Eighth Amendment, reasoning that "[e]specially where the language of our constitution is different from the analogous federal provision, we are not bound to assume the framers intended an identical interpretation." *State v. Fain*, 617 P.2d 720, 723 (Wash. 1980) (*en banc*). In 2018, after an *Edmunds*-like analysis, the Court

[5] Most recently, the Massachusetts Supreme Judicial Court extended its holding in *Diatchenko v. District Attorney for the Suffolk Dist.*, 466 Mass. 655, 670 (2013)—that sentencing a juvenile offender to life without parole in any circumstance is cruel *or* unusual—to emerging adults, or those aged 18 through 20. *Commonwealth v. Mattis*, 493 Mass. 216, 217-18 (2024).

confirmed its broader interpretation in the context of youth sentencing. *State v. Bassett*, 428 P.3d 343, 346 (Wash. 2018). It reasoned that "on its face" the Washington Constitution offers greater protection because it prohibits "merely cruel" punishments. *Id.* at 349 (quoting *State v. Dodd*, 838 P.2d 86, 96 (Wash. 1992) (*en banc*)). The Court also recognized how the state has evolved, through legislation and case-law, to recognize that children warrant special protection. *Id.* at 350. The Court reasoned that, in the context of juvenile sentencing, the Washington Constitution provided greater protection than the Eighth Amendment. *Id.*

More recently, in *State v. Kelliher*, decided after *Jones*, the North Carolina Supreme Court found that it violates both the Eighth Amendment and "article I, section 27 of the North Carolina Constitution to sentence a juvenile homicide offender" who is "'neither incorrigible nor irredeemable' to life without parole." 873 S.E.2d 366, 370 (N.C. 2022). The Court found that the North Carolina Constitution, which prohibits "cruel *or* unusual punishments," N.C. Const. art. I, § 27 (emphasis added), offers protections that are distinct and broader than those provided under the Eighth Amendment. *Kelliher*, 873 S.E.2d at 382. This interpretation, which was different from the Court's previous interpretation as coextensive with the Eighth Amendment, *State v. Green*, 502 S.E.2d 819, 828 (N.C. 1998), was changed to conform with contemporary understanding of adolescent development recognized by the Court. *Id.* at 384. The Court further held that its state constitution forbade any

sentence, or combination of sentences, which require youth to serve more than 40 years in prison before parole eligibility, as a *de facto* life without parole sentence "because it deprives the juvenile of a genuine opportunity to demonstrate he or she has been rehabilitated and to establish a meaningful life outside of prison" and that such sentences also violated the Eighth Amendment. *Kelliher*, 873 S.E.2d at 370. The Court reasoned that adopting a position that under *Jones*, "the Eighth Amendment requires nothing more than that 'sentencing courts . . . take children's age into account before condemning them to die in prison'" would repudiate core principles articulated in *Miller* and *Montgomery*. *Id.* at 379 (alteration in original) (quoting *Montgomery*, 577 U.S. at 209). This interpretation is "irreconcilable" with the Supreme Court's own stated characterization of its holding: that *Jones* did not abrogate *Miller*, and the Supreme Court only intended to reject the appendage of new procedural requirements to *Miller* and *Montgomery*. *Id.* "To hold otherwise would require us to read *Jones* far more expansively" than intended, "the very sin that *Jones* warns us against committing." *Id.* at 380.

4. Pennsylvania Policy Considerations Support Holding That A *De Facto* Life Sentence Constitutes Cruel Punishment

This Court has long held that children must be treated differently than adults. This precedent and the Commonwealth's long-standing policies support the conclusion that sentencing a young person capable of change and rehabilitation to life in prison is a cruel punishment under the Pennsylvania Constitution. "[T]here is

an abiding concern, in Pennsylvania, that juvenile offenders be treated commensurate with their stage of emotional and intellectual development and personal characteristics." *Batts*, 66 A.3d at 299.

Pennsylvania Courts have consistently held that children are entitled a special place of reform and care within the legal system. The Pennsylvania Supreme Court has recognized the special status of adolescents, and has held, for example, that a court determining the voluntariness of a youth's confession must consider the youth's age, experience, comprehension, and the presence or absence of an interested adult. *Commonwealth v. Williams*, 475 A.2d 1283, 1288 (Pa. 1984). In *Commonwealth v. Kocher*, involving the prosecution of a nine-year-old for murder, this Court referred to the common law presumption that children under the age of 14 are incapable of forming the requisite criminal intent to commit a crime. 602 A.2d 1307, 1313 (Pa. 1992). While this common law presumption was replaced by the Juvenile Act, its existence for decades demonstrates that Pennsylvania's common law was especially protective of minors. The Juvenile Act also recognizes the special status of minors in its aim "to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community." 42 Pa.C.S.A. § 6301(b)(2).

This focus on rehabilitation and competency development underscores Pennsylvania's recognition that children are still changing and deserve special protections under the law.[6]

In *In re J.B.*, this Court held that the Sex Offender Registration and Notification Act (SORNA) "violates juvenile offenders' due process rights through use of an irrebuttable presumption." 107 A.3d 1, 2 (Pa. 2014). This Court recognized that youth commit sexual offenses due to "impulsivity and sexual curiosity, which diminish with rehabilitation and general maturation," and make them less likely than adults to reoffend. *Id.* at 17. Similarly, in *Batts II* this Court noted the unique attributes of youth (that youth are impetuous, have an underdeveloped sense of responsibility, lessoned culpability and greater capacity for change and rehabilitation than adults) recognized in *Roper*, *Graham*, *Miller*, and *Montgomery*. *See id.* at 428-34.

Moreover, even when prosecuted in the adult system, youth are afforded special protections. *See, e.g.*, *Commonwealth v. Taylor*, 230 A.3d 1072, 1072 (Pa.

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[6] Additionally, Pennsylvania statutory law consistently recognizes that children lack the same judgment, maturity and responsibility as adults. *See, e.g.*, 23 Pa.C.S.A. § 5101 (the ability to sue and be sued or form binding contracts attaches at age 18); 18 Pa.C.S.A. §§ 6308, 6305 (a person cannot legally purchase alcohol or tobacco products until age 21); 10 Pa.C.S.A. § 305(c)(1) (no person under the age of 18 in Pennsylvania may play bingo unless accompanied by an adult); 18 Pa.C.S.A. § 6311 (a person under age 18 cannot get a tattoo or body piercing without parental consent); 72 Pa.C.S.A. § 3761-309(a) (a person under age 18 cannot buy a lottery ticket); 3 Pa.C.S.A. § 9340 (no one under age 18 may make a wager at a racetrack); 23 Pa.C.S.A. § 1304(a) (youth under the age of 18 cannot get married in Pennsylvania without parental consent).

2020) (holding that "a minor's refusal to confess to an act for which he or she might be criminally prosecuted as an adult may not be considered when deciding whether to certify a case for transfer between juvenile and adult court").

B. Petitioner's *De Facto* Life Sentence Is Cruel Under The Pennsylvania Constitution

The Framers' intent in proposing Article I, Section 13, would plainly void Mr. King's four consecutive 20-to-life sentences as an unconstitutional *de facto* life without parole sentence where he has demonstrated rehabilitation and growth. Mr. King's first opportunity for parole is well past any reasonable life expectancy for him. As outlined above, anything that is not necessary to deter or reform is cruel under the Pennsylvania Constitution. This is especially true for individuals sentenced as youth, who will serve "more years and a greater percentage of his life in prison than adult offender." *Graham v. Florida*, 560 U.S. 48, 70 (2010); *see also Miller*, 567 U.S. at 475.

As clearly outlined in *Miller*, and confirmed in *Jones*, certain punishments are simply disproportionate when applied to youth. The unique characteristics of youth "diminish penological justifications" for life without parole sentences, or their *de facto* equivalent. *Miller*, 567 U.S. at 472; *Montgomery*, 577 U.S. at 207. Deterrence cannot be rationalized when the same characteristics that render youth less culpable, "make them less likely to consider potential punishment." *Miller*, 567 U.S. at 472. The need for incapacitation is also lessened because adolescent development

diminishes the likelihood that youth will forever be a danger to society. *Id.* at 472-73. A life behind bars also "forswears" rehabilitation as one will never have the opportunity at a rehabilitated life outside of prison walls. *Id.* at 473. As the resentencing court found, and the Superior Court explicitly acknowledged, Mr. King is a person whose crime reflects transient immaturity and who has shown significant signs of rehabilitation. *Commonwealth v. King*, No. 406 EDA 2023, slip op. at 26 (Pa. Super. Oct. 11, 2024).

CONCLUSION

Wherefore, for the foregoing reasons, *amici curiae* respectfully urge this Court to grant allocatur, and reverse the decision of the Superior Court in this matter.

Respectfully submitted,

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Dated: November 11, 2024

CERTIFICATE OF COMPLIANCE

I certify that the foregoing brief complies with the word count limitation of Rule 531 and 2135 of the Pennsylvania Rules of Appellate Procedure. This brief contains 4,123 words. In preparing this certificate, I relied on the word count feature of Microsoft Word.

I further certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: November 11, 2024

/s/ Marsha L. Levick
Marsha L. Levick