IN THE SUPREME COURT, STATE OF WYOMING

EAVAN CASTANER, Appellant (Defendant), v. THE STATE OF WYOMING, Appellee (Plaintiff).	S-25-0107

BRIEF OF *AMICUS CURIAE* JUVENILE LAW CENTER IN SUPPORT OF APPELLANT AND REVERSAL

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INTEREST OF *AMICUS CURIAE*

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.

SUMMARY OF ARGUMENT

Eavan Castaner tragically killed his ex-girlfriend when he was just 15 years old. He was convicted of second-degree murder and sentenced to 42-to-75 years in prison. While such horrific acts of intimate partner violence, particularly against women and girls, remain all too prevalent today,[1] such an

[1] See LynnMarie Sardinha, et al., *Intimate Partner Violence Against Adolescent Girls: Regional and National Prevalence Estimates and Associated Country-*

extreme sentence for second-degree murder nonetheless infringes upon the Eighth Amendment's prohibition on cruel and unusual punishment.

Under longstanding U.S. Supreme Court Eighth Amendment jurisprudence, Mr. Castaner's lengthy term of years sentence is disproportionate both to him as a child offender, and to his offense of second-degree murder. The Court has repeatedly held that children like Mr. Castaner must be treated differently than adult offenders because their transient immaturity makes them less culpable and therefore less deserving of such extreme sentences. Mr. Castaner's transient immaturity also undermines the penological justifications that may otherwise validate such a lengthy sentence for an adult offender. Moreover, Mr. Castaner's 42-year minimum prison sentence exceeds not just other Wyoming sentences, but it exceeds the maximum sentence permitted in the vast majority of jurisdictions in the country. Finally, and perhaps most importantly, Mr. Castaner's sentence exceeds the maximum term of imprisonment allowed before parole eligibility – 25 years – under Wyoming law for a life sentence for first-degree murder, making his 42-year minimum sentence for second-degree murder not just disproportionate, but completely arbitrary. Accordingly, Mr. Castaner's

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Level Factors, 8 Lancet Child & Adolescent Health 636 (2024), https://pmc.ncbi.nlm.nih.gov/articles/PMC11319864/.

sentence amounts to cruel and unusual punishment in violation of the Eighth Amendment and the District Court judgment and sentence should be reversed.

ARGUMENT

I. THE EIGHTH AMENDMENT'S PROHIBITION ON CRUEL AND UNUSUAL PUNISHMENT PROHIBITS THE IMPOSITION OF DISPROPORTIONATE AND ARBITRARY SANCTIONS

Throughout its juvenile sentencing jurisprudence, the U.S. Supreme Court has identified "[t]he concept of proportionality" as not just "central to the Eighth Amendment," but central specifically to the amendment's proscription against cruel and unusual punishment. *Graham v. Florida*, 560 U.S. 48, 59 (2010); *see also Miller v. Alabama*, 567 U.S. 460, 469 (2012) ("[t]he Eighth Amendment's prohibition of cruel and unusual punishment 'guarantees individuals the right not to be subjected to excessive sanctions.'") (quoting *Roper v. Simmons,* 543 U.S. 551, 560 (2005)); *Montgomery v. Louisiana*, 577 U.S. 190, 206 (2016) ("[p]rotection against disproportionate punishment is the central substantive guarantee of the Eighth Amendment.").

This proportionality principle has a long history within the Court's broader Eighth Amendment jurisprudence. Indeed, in each of its juvenile sentencing cases, the Court cited to its 100-plus-year-old opinion in *Weems v. United States,* 217 U.S. 349 (1910), which established under the Eighth Amendment the "basic precept of justice that punishment for crime should be graduated and proportioned to [the] offense." *Roper,* 543 U.S. at 560 (alternation in original) (quoting *Weems*, 217 U.S. at 367); *see also Graham*, 560 U.S. at 59 (same); *Miller*, 567 U.S. at 469 (expanding on *Weems* to

recognize that "punishment for crime should be graduated and proportioned *to* ***both the offender and*** the offense") (emphasis added) (internal quotations omitted). In *Weems*, the Supreme Court surveyed nineteenth century U.S. and state supreme court opinions that had attempted to define and apply the cruel and unusual punishments clause to determine whether a 15-year sentence of "hard and painful labor" imposed by a Philippine court for the crime of falsifying a government document violated the Eighth Amendment. *Weems*, 217 U.S. at 368-71. The Court concluded "that the greater proportionate punishment inflicted by the Philippine law over the more lenient punishments prescribed in the laws of Congress establishes that the Philippine law is repugnant to the 8th Amendment." *Id.* at 386.

In the century since *Weems*, the Supreme Court has repeatedly applied its proportionality principle in numerous Eighth Amendment cases, most notably in its capital sentencing jurisprudence. *See, e.g.*, *Coker v. Georgia*, 433 U.S. 584, 592 (1977) (holding that a death sentence "is grossly disproportionate and excessive punishment for the crime of rape and is therefore forbidden by the Eighth Amendment as cruel and unusual punishment."); *Enmund v. Florida*, 458 U.S. 782, 788 (1982) (recognizing that the Eighth Amendment is directed "against all punishments which by their excessive length or severity are greatly disproportioned to the offenses charged" and holding that a death sentence is accordingly disproportionate when imposed for felony murder

against a defendant who neither took life, attempted to take life, nor intended to take life); *Atkins v. Virginia*, 536 U.S. 304, 311 (2002) (holding that a death sentence is excessive and therefore unconstitutional when imposed on an intellectually disabled offender).

As in *Weems*, the Court has also applied its proportionality principle in non-capital cases. *See Solem v. Helm,* 463 U.S. 277 (1983) (holding that a sentence of life without possibility of parole violated the Eighth Amendment because it was "grossly disproportionate" to the crime of recidivism based on seven underlying nonviolent felonies); *Harmelin v. Michigan,* 501 U.S. 957, 997–98 (1991) (Kennedy, J., concurring in part and concurring in judgment) (holding that a mandatory life without parole sentence was not unconstitutionally disproportionate for the crime of possessing 672 grams of cocaine.)

A key feature of the Court's proportionality review under the Eighth Amendment is that, unlike the originalist approach applied to other provisions of the Bill of Rights, "[a] claim that punishment is excessive is judged not by the standards that existed . . . when the Bill of Rights was adopted, but rather by those that currently prevail." *Atkins*, 536 U.S. at 311; *see also Trop v. Dulles*, 356 U.S. 86, 101 (1958) ("The Amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society."). Further, while the Court's proportionality review of the evolving

standards of decency "should be informed by objective factors to the maximum possible extent," *Harmelin,* 501 U.S. at 1000 (Kennedy, J. concurring in part and concurring in judgment) (quoting *Rummel v. Estelle,* 445 U.S. 263, 274–75 (1980)), the Court has recognized that such objective evidence does not "wholly determine" the controversy, since "the Constitution contemplates that in the end [the court's] own judgment will be brought to bear on the question of the acceptability of [a particular punishment] under the Eighth Amendment." *Coker*, 433 U.S. at 597. Ultimately, "[t]he [proportionality] standard itself remains the same, but its applicability must change as the basic mores of society change." *Kennedy v. Louisiana*, 554 U.S. 407, 419 (2008) (quoting *Furman v. Georgia*, 408 U.S. 238, 382 (1972) (Burger, C.J., dissenting)).

In addition to its reliance on the evolving standards of decency, the proportionality principle also requires that punishment have a legitimate penological justification. *See Graham*, 560 U.S. at 71 ("[a] sentence lacking any legitimate penological justification is by its nature disproportionate to the offense."). This is because a punishment that "serves no penal purpose more effectively than a less severe punishment" is by its nature unnecessary and therefore excessive. *Furman*, 408 U.S. at 279-80 (Brennan, J., concurring). Importantly, "[e]ven if the punishment has some connection to a valid penological goal, it must be shown that the punishment is not grossly

disproportionate in light of the justification offered." *Graham*, 560 U.S. at 72

Beyond its focus on proportionality, another core tenet of the Eighth Amendment is that punishments must be nonarbitrary. *Furman*, 408 U.S. at 242 (Douglas, J., concurring). In *Furman*, a plurality of the Court found that both Texas and Georgia's death penalty statutes were unconstitutional because they resulted in death sentences being predominantly imposed on Black defendants. *Id.* at 256-57. In his concurring opinion, Justice Brennan looked to the history of the English Bill of Rights of 1689 from which the Eighth Amendment was adopted to reveal "a particular concern with the establishment of a safeguard against arbitrary punishments." *Id.* at. 274 (citing Anthony F. Granucci, *'Nor Cruel and Unusual Punishments inflicted:' The Original Meaning*, 57 Cal. L. Rev. 839, 857-60 (1969)). According to Justice Brennan, the principle that "the State must not arbitrarily inflict a severe punishment . . . derives from the notion that the State does not respect human dignity when, without reason, it inflicts upon some people a severe punishment that it does not inflict upon others." *Id.* Consequently, the Eighth Amendment "require[s] legislatures to write penal laws that are evenhanded, nonselective, and nonarbitrary." *Id.* at 256 (Douglas, J., concurring).

II. THE EIGHTH AMENDMENT'S PROPORTIONALITY ANALYSIS AFFORDS SPECIFIC PROTECTIONS FOR JUVENILE OFFENDERS LIKE MR. CASTANER

In its juvenile sentencing cases, the Supreme Court expanded upon its Eighth Amendment jurisprudence to establish as a matter of settled constitutional law that children are developmentally different from and less culpable than adults, and therefore extreme adult penalties that fail to take the mitigating effects of youth into account are unconstitutionally disproportionate under the Eighth Amendment. *See Roper*, 543 U.S. at 569-70 (striking down the juvenile death penalty as unconstitutional); *Graham*, 560 U.S. at 75, 82 (striking down life without parole sentences for juveniles convicted of nonhomicide offenses); *Miller*, 567 U.S. at 465 (striking down mandatory life without parole sentences for juveniles convicted of homicide); *see also Montgomery*, 577 U.S. at 205-09 (holding *Miller* retroactive on collateral review); *Jones v. Mississippi*, 593 U.S. 98, 106 n.2 (2021) (upholding the requirement of individualized sentencing determinations that account for youth).

In these cases, the U.S. Supreme Court repeatedly emphasized three characteristics that distinguish children from adult offenders: 1) they lack "maturity" and have an underdeveloped sense of responsibility which results in "impetuous and ill-considered actions and decisions," *Roper*, 543 U.S. at 569 (quoting *Johnson v. Texas*, 509 U.S. 350, 367 (1993)); 2) they "are more

vulnerable or susceptible to negative influences and outside pressures, including peer pressure" and have limited control over their environment; and 3) their character is "not as well formed as that of an adult" making their personality traits "more transitory," "less fixed," and, most importantly, uniquely capable of change, *id.* at 569-71. These characteristics mean that, compared with adults, children "have diminished culpability and greater prospects for reform" that make them categorically "less deserving of the most severe punishments." *Miller*, 567 U.S. at 471 (quoting *Graham*, 560 U.S. at 68). Based on comprehensive research demonstrating the distinct emotional, psychological, and neurological attributes of youth, the Court concluded that the developmental differences that distinguish youth from adults "render suspect any conclusion that a juvenile falls among the worst offenders." *Roper*, 543 U.S. at 571. Accordingly, severe sentences that fail to account for the distinctive attributes of youth are developmentally unsound and constitutionally disproportionate under the Eighth Amendment.

The Court has also recognized that the defining characteristics of youth weaken the penological justifications for imposing severe sentences on youth offenders. First, due to a child's lesser culpability, "the case for retribution is not as strong with a minor as with an adult." *Montgomery*, 577 U.S. at 207 (quoting *Graham*, 560 U.S. at 71) (internal quotation marks omitted). Second, the key attributes of youth lessen deterrence as a penological justification: "The

deterrence rationale likewise does not suffice, since 'the same characteristics that render juveniles less culpable than adults—their immaturity, recklessness, and impetuosity—make them less likely to consider potential punishment.'" *Id.* (quoting *Miller*, 567 U.S. at 472) (internal quotation marks omitted); *Roper*, 543 U.S. at 571 ("[T]he same characteristics that render juveniles less culpable than adults suggest . . . that juveniles will be less susceptible to deterrence."). Third, the need for incapacitation is diminished because younger and older adolescents are more likely to desist from criminal behavior as they mature into adulthood, thereby lessening the likelihood that they "forever will be a danger to society." *Montgomery*, 577 U.S. at 207 (quoting *Miller*, 567 U.S. at 472). Finally, imposing a harsh adult sentence on a child, particularly one where the child could spend most, if not all, of their life in prison, runs counter to the "rehabilitative ideal" and "reflects 'an irrevocable judgment about [an offender's] value and place in society,' at odds with a child's capacity for change." *Miller*, 567 U.S. at 473 (quoting *Graham*, 560 U.S. at 74).

III. MR. CASTANER'S SENTENCE IS DISPROPORTIONATE AND ARBITRARY AND THEREFORE VIOLATES THE EIGHTH AMENDMENT

To survive Eighth Amendment scrutiny, Mr. Castaner's 42- to 75-year prison sentence must be proportionate to him as a 15-year-old child offender, and to his crime of second-degree murder, a crime that under Wyoming law lacks the *mens rea* of premeditation that would be required for a conviction of

first-degree murder. Wyo. Stat. Ann. § 6-2-104. On both counts, Mr. Castaner's sentence is disproportionate and arbitrary and therefore unconstitutional.

First, as the U.S. Supreme Court has made clear, Mr. Castaner's youth must be taken into account. Despite the horrific nature of his crime, he was only 15 years old. He was a child. Because of his developmental immaturity, Mr. Castaner cannot be considered as culpable as an adult offender and cannot be treated as one under the Constitution. Moreover, the penological justifications for extreme sentencing simply do not apply.

Next, Mr. Castaner's sentence must be evaluated against "objective indicia of society's standards, as expressed in legislative enactments and state practice." *Graham*, 560 U.S. at 61 (quoting *Roper*, 543 U.S. at 572); see also *Harmelin*, 501 U.S. at 1000 ("proportionality review . . . should be informed by objective factors to the maximum extent possible"). Here, as argued in Appellant's Brief, only three other juvenile sentences, representing Wyoming state practice in the more than ten years since the amendments to Wyo. Stat. Ann. § 6-10-301(c) were adopted, have come close to approximating Mr. Castaner's sentence, and each of those sentences involved aggregating multiple convictions and sentences, including in each case at least one sentence for first-degree murder. (*See* App. Br. pp. 42-45).

Comparing his sentence to permissible sentences for second-degree murder in other jurisdictions yields the same disproportionality finding. As

demonstrated in Appellant's Brief, Mr. Castaner's 42-year minimum term would be illegal in most states and the District of Columbia; his sentence would currently be considered legal in only 14 states. (App. Br., pp. 46-53). In 33 states and the District of Columbia, Mr. Castaner's 42-year minimum term exceeds the maximum term—in some cases significantly—at which juvenile offenders become eligible for parole. (*Id.*)

Further objective evidence can be found in the results of the resentencings of juvenile offenders who had previously been sentenced to unconstitutional mandatory life without parole after *Miller* and *Montgomery*. Despite the severity of their crimes, typically all convicted of first-degree murder, most "juvenile lifers" were resentenced to minimum terms under the 42 years Mr. Castaner received. In one recent study, researchers found that nearly 62% of those resentenced received a minimum sentence of 25 to 40 years. J.Z. Bennett, et al., *In the Wake of Miller and Montgomery: A National View of People Sentenced to Juvenile Life Without Parole*, 93 J. Crim. Just. 1, 5 (2024), https://www.sciencedirect.com/science/article/pii/S0047235224000485. The study found that another 16% were resentenced to a minimum term of 0 to 25 years, while only about 18% received sentences of 40 years or greater. *Id.* Thus, the vast majority of juvenile lifers received more lenient minimum terms than Mr. Castaner, who, with a second-degree murder conviction, would not have even been eligible for life without parole under Wyoming law were he an

adult.

Indeed, many states have enacted laws to afford opportunities for earlier release for children and young adults serving lengthy sentences, including those convicted of second-degree murder. Illinois provides for special parole review for persons under 21 after serving at least 10 to 20 years of their sentence depending on offense, but excluding those convicted of first-degree murder. 730 Ill. Comp. Stat. 5/5-4.5-115(b), (j) (directing the Prisoner Review Board to consider, inter alia, "the diminished culpability of youthful offenders, the hallmark features of youth, and any subsequent growth and maturity of the youthful offender during incarceration."). In Maryland, young people who committed crimes when they were under age 18 may petition for a sentence reduction after a maximum of 20 years. Md. Code, Crim. Law § 8-110(a)(1). Just this year the Maryland legislature expanded the law to individuals who committed offenses between the ages of 18 and 25 ll. *Id.* at (a)(2). Rhode Island recently shortened its maximum term before parole eligibility to 20 years (from 25 years) for individuals who committed offenses prior to age 22. 13 R.I. Gen. L. Ann. § 13-8-13(e). In 2020, the District of Columbia expanded the reach of its Incarceration Reduction Amendment Act—which originally permitted persons who committed serious crimes under age 18 to petition for resentencing after serving at least 15 years in prison—to include persons who committed offenses prior to age 25. D.C. Code Ann. § 24-403.03 (requiring the

court to consider, among other factors, the hallmark features of youth, including immaturity, impetuosity, and failure to appreciate risks and consequences, which counsel against lengthy terms in prison, despite the brutality or cold-blooded nature of any particular crime). In California, individuals sentenced to life without parole for an offense committed when they were under 18 are eligible for parole review after 25 years. Cal. Penal Code § 3051. In 2017, California went a step further, extending earlier parole eligibility to those who were under 26 at the time of their offense. Cal. Penal Code §§ 3051, 4801 (instructing the parole board to "give great weight to the diminished culpability of youth as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner in accordance with relevant case law").[2]

Of course, most importantly, the Wyoming state legislature passed its own *Miller* fix statute in 2013, providing youth under 18 convicted of first-

[2] In 2022, the American Bar Association adopted Resolution 502, urging federal, state, local, territorial, and tribal governments to authorize courts to review lengthy sentences after an individual has served at least ten years. A.B.A., Res. 502 & Report to H.D. (Aug. 8-9, 2022), https://www.americanbar.org/content/dam/aba/directories/policy/annual-2022/502-annual-2022.pdf.

degree murder and sentenced to life imprisonment an opportunity for parole after serving 25 years in prison. 2013 Wyo. Sess. Laws, ch. 18, § 1 (amending Wyo. Stat. Ann. §§ 6–2–101(b) and 6–10–301(c)). That Mr. Castaner's 42-year minimum sentence for second-degree murder, a lesser charge, can far exceed the permissible penalty for first-degree murder under Wyoming law is arbitrary and capricious, particularly for a crime committed by a 15-year-old child. As the U.S. Supreme Court made clear in *Furman*, such arbitrary punishment is anathema to the Eighth Amendment and cannot stand.

CONCLUSION

For the foregoing reasons, *Amicus* respectfully requests that this Court reverse the District Court's judgment and remand for resentencing with instructions that any minimum term for parole eligibility not exceed 25 years.

Respectfully submitted,

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Dated: July 7, 2025

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served electronically via the Wyoming Supreme Court C-Track Electronic Filing System, addressed as follows:

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The undersigned also certifies that all required privacy redactions have been made and, with the exception of the required redactions, this document is an exact copy of the written document filed with the Clerk. Furthermore, this document has been scanned for viruses and is free of viruses.

/s/ Ian Sandefer
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Dated: July 7, 2025