

IN THE SUPREME COURT OF PENNSYLVANIA

No. 28 MAP 2025

COMMONWEALTH OF PENNSYLVANIA,

v.

IVORY KING,

Appellant

BRIEF OF THE YOUTH SENTENCING & REENTRY PROJECT AS *AMICUS*
CURIAE
IN SUPPORT OF PETITIONER IVORY KING

On Appeal from a Decision of the Superior Court, No. 406 EDA 2023, Entered on
October 11, 2024, Affirming the November 21, 2022 Judgment of Sentence
Imposed by the Court of Common Pleas of Bucks County, CP-09-CR-0003727-
1998

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STATEMENT OF INTEREST OF *AMICUS CURIAE*¹

The **Youth Sentencing & Reentry Project** is a nonprofit organization based in Philadelphia that uses direct service and policy advocacy to transform the experiences of children charged and prosecuted in the adult criminal justice system, and to ensure fair and thoughtful resentencing and reentry for individuals who were sentenced to life without parole as children (“juvenile lifers”). YSRP partners with court-involved youth and juvenile lifers, their families, and lawyers to develop holistic, humanizing narratives that mitigate the facts of each case; get cases transferred to the juvenile system or resentenced; and make crucial connections to community resources providing education, healthcare, housing, and employment. YSRP also provides trainings on mitigation, and recruits, trains, and supervises students and other volunteers to assist in this work. YSRP’s ultimate goals are to keep children out of adult jails and prisons and to enhance the quality of representation juvenile lifers receive at resentencing as they prepare to reenter the community.

SUMMARY OF ARGUMENT

Amicus urges this Court to grant Ivory King relief. A life without parole sentence, or its *de facto* equivalent, is cruel and therefore unconstitutional under

¹ Pursuant to Rule 531, no counsel for a party authored this brief in whole or in part. No person or entity, other than *Amicus*, its members, or its counsel made a monetary contribution for the preparation or submission of this brief.

the Pennsylvania Constitution when imposed on an individual who was a child at the time of the crime, whose crime reflects transient immaturity, and who has a unique capacity for rehabilitation. Such is the case for Mr. King. In fact, the sentencing judge agreed that Mr. King had demonstrated rehabilitation.

ARGUMENT

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. This sentence is especially disproportionate given the extraordinary characteristics of youth and the potential for contributions to the community, such as those we have seen in the Commonwealth since the majority of so-called juvenile lifers have been resentenced following the United States Supreme Court Decisions in *Miller vs. Alabama*² and the subsequent case of *Montgomery vs. Louisiana*³ which ensured *Miller*'s retroactivity. Petitioner's sentence stands out among sentences 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. Mr. King was 17 years-old at the time of the

² *Miller v. Alabama*, 567 U.S. 460 (2012).

³ *Montgomery v. Louisiana*, 577 U.S. 190 (2016).

offenses in this case. If the sentence which was imposed at the time of sentencing is upheld, he would be 97 years-old when first eligible for parole.

I. THE SUCCESSFUL RETURN OF YOUNG PEOPLE SENTENCED TO LIFE WITHOUT PAROLE BUT LATER RELEASED POST-MILLER DEMONSTRATE THE IMPORTANCE OF ABOLISHING PUNISHMENTS THAT FORECLOSE HOPE OF REHABILITATION

Although many individuals continue to serve lengthy sentences for first and second degree murder committed when they were children, hundreds have returned home here in Pennsylvania following their resentencing proceedings pursuant to the Supreme Court cases *Miller v. Alabama*⁴ and *Montgomery v. Louisiana*.⁵ Their stories, shared with permission, underscore why the Court should prohibit lengthy sentences that mandate young people die in prison. Extreme sentences impede the growth, resilience and joy evidenced in these examples. The individuals—former juvenile lifers just like Mr. King—featured below, who are all working to serve their communities, urge the Court to revisit the aggregate *de facto* life sentence of 80 years to life for Mr. King.

A. John⁶

Incarcerated at age 17, John served over 32 years for a homicide conviction.

⁴ *Miller v. Alabama*, 567 U.S. 460 (2012).

⁵ *Montgomery v. Louisiana*, 577 U.S. 190 (2016).

⁶ Stories in this Section all results from Interviews with Eleanor Myers, Esq, Senior Advisor, YSRP, March 2024.

While in prison, he held many leadership roles and earned a college degree. Like many released Juvenile Lifers, he has devoted his life to assisting those returning from incarceration, disrupting the cycle of violence among young people, and advocating for criminal justice reform. John is the Senior Reentry Coordinator at Youth Sentencing & Reentry Project (YSRP), where he supports juvenile lifers and justice-involved youth returning from incarceration. At YSRP, he established and continues to coordinate YSRP's Intergenerational Healing Circles, a facilitated space where juvenile lifers and justice-involved youth come together to promote healing from trauma and to provide mutual support. He has received multiple awards for his work and has been chosen to receive a Represent Justice Fellowship from a Hollywood-based non-profit devoted to telling the stories of incarcerated people to promote criminal justice awareness and reform. He serves on the board of the Philadelphia Bail Fund and the Education Committee of Eastern University, and his success has been featured in multiple national media outlets.

B. Giovanni

Incarcerated for murder at age 17, Giovanni served over 26 years. Since his release, he has won multiple awards, including Employee of the Month and the Philadelphia Reentry Coalition's Reentry Star of the Year. At Temple University, he is part of the Inside/ Out program, which sponsors college courses for

incarcerated people and university students to study together. Giovanni provides nationwide training to prospective university faculty. He participates in YSRP's Intergenerational Healing Circle and Speakers Bureau. He is active in his mosque, Sister Clara Muhammad, where he assists previously incarcerated people coming home by providing them with essentials and other financial support through his own personal means. He regularly spends a few thousand dollars on each person, and he has assisted dozens of individuals to date. He also cared for his ailing father for almost seven years before his recent passing.

C. Marlo

Marlo was incarcerated for 25 years on a homicide charge from an incident that occurred when he was 16 years old. Within a year of his release, he received his Commercial Driving License (CDL) and has been employed ever since as a long-distance truck driver with JB Hunt, a large logistics and moving company. He has been recognized as an exemplary employee and is now the top CDL trainer in his truck yard. He regularly assists organizations such as the Urban League and Impact Philadelphia to find CDL training opportunities for formerly incarcerated people. Active in the Greater Canaan Church of God in Christ, where he regularly mentors formerly incarcerated people, Marlo states, "I use my second chance to help you have a second thought before you do something that will

change your life.”

D. Stacey

Stacey was incarcerated at age 14 and served 30 years in prison. While there, he earned his GED and completed 9 college courses. Since his release, he has worked in construction. Recently he also joined The Fountain Fund as the Community Outreach Coordinator. The Fund is a nationwide lending organization supporting formerly incarcerated people to start their own businesses. Stacey gives back to the formerly incarcerated community in many ways: he participates in YSRP’s Intergenerational Healing Circles and Speakers Bureau; he has created a clothing bank; and he engages in the fellowship at Bibleway Baptist Church, mentoring and playing basketball with incarcerated youth. Most recently, he incorporated the Free Mind Entrepreneurial Network to train, equip, and place those returning from prison in construction jobs. He participates in the Campaign for the Fair Sentencing of Youth (CFSY), a national nonprofit that leads efforts to ban extreme prison sentences for children.. He is regularly profiled in national media. Through every public engagement, Stacey pursues a singular mission: “I want people to have an easier path than I did.”

E. Charlie

At age 16, Charlie was incarcerated for a homicide, serving more than 36

years. While in prison, he earned two GED degrees and took many college courses at multiple universities including University of Pittsburgh, Temple, and Swarthmore. Charlie has been employed at Jade Yoga warehouse for the past seven years, with great success. He is a member of the Fellowship at Bibleway Baptist Church, where he travels to Philadelphia city prisons to play basketball and talk with and mentor young adults. He is in the process of organizing a legal clinic at the church to assist incarcerated individuals with their legal claims. He is active in FAMM, Families Against Mandatory Minimums, and ICAN, The Incarcerated Children's Advocacy Network, a national network of formerly incarcerated adults, who were sentenced to extreme or life sentences as children. ICAN provides support for its members and empowers them to create positive change in their communities. One Temple professor noted about Charlie, "[i]t is evident that he has reflected deeply on his past and who he wants to be as a person and has followed through to become that man."

F. Tamika

Tamika was incarcerated for more than 22 years for a murder that occurred when she was 16 years old. Since her return, she has gotten married, reconciled with her mother, and established close connections with her nine nieces and nephews. She also regularly visits her father, who suffers from dementia. Tamika

has engaged in YSRP's Speakers Bureau, and other opportunities for speaking and interacting with young people.

Tamika's image smiles brightly in an exhibit entitled "On the Day They Come Home," part of a series of striking murals of formerly incarcerated women pictured in the New York Times Art Section. *They Are Their Own Monuments* (May 3, 2021), <https://www.nytimes.com/2021/05/03/arts/design/monument-lab-philadelphia.html>. Tamika was also featured in a PBS documentary "Returning Citizens: Life Beyond Incarceration" *Testimonies, The Command Center to Bring Women Home and Wide Open*.

G. Abd'Allah

Abd'Allah was imprisoned at age 16 for a homicide on which he served more than 31 years. Since his release, he has earned more accolades and awards than can be adequately described here. He currently serves as Co-Deputy Director of The Campaign for the Fair Sentencing of Youth (CFSY), a national nonprofit that leads efforts to ban extreme prison sentences for children. In that role, he is a member of the Executive Leadership Team and is involved in nationwide policy work, public speaking, organizing and advocacy, and media appearances on behalf of CFSY. He was active in Philadelphia's Reentry Think Tank which connects returning citizens with artists and advocates to transform the stereotypes, social

services, and platforms that influence our communities. Abd’Allah won awards for this work and the Philadelphia Reentry Coalition and Philadelphia City Counsel honored the organization for its impact. He is on the board of directors of Juvenile Law Center, Center for Employment Opportunities (CEO) (national board) and New Leash on Life (USA). The Director of the Philadelphia Reentry Coalition noted that Abd’Allah “is clearly driven not only by intellectual curiosity and a passion for learning, but by a steadfast commitment to society’s collective well-being.”

CONCLUSION

For the foregoing reasons, *Amicus* urges this Court to reverse the holding of the lower court and find the *de facto* life sentence of 80 years-to-life for Mr. King unconstitutional in the Commonwealth of Pennsylvania.

Respectfully submitted,

/s/ _____
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Dated: July 31, 2025

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 1,892 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: July 31, 2025

/s/ John Lopez
John Lopez