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Atlantic Center for Capital Representation and Juvenile Law Center Ask Pennsylvania Supreme Court to Clarify Re-Sentencing in Juvenile Life Without Parole Cases for Juveniles Convicted of Second Degree Murder Who Did Not Kill or Intend to Kill

Pittsburgh, PA (December 20, 2016) - Today the Atlantic Center for Capital Representation and Juvenile Law Center asked the Pennsylvania Supreme Court to exercise its extraordinary jurisdiction to clarify whether juveniles previously convicted of Second Degree Murder, who did not kill or intend to kill, must be sentenced significantly more leniently than juveniles who have been convicted of First Degree Murder. The state Supreme Court has yet to address the sentencing rights of this particular group of juvenile offenders in the wake of two U.S. Supreme Court rulings, *Miller v Alabama* (2012) and *Montgomery v Louisiana* (2016), which invalidated Pennsylvania's mandatory juvenile life without parole sentencing scheme for all juveniles convicted of homicide.

The Petition was filed by Richard Lee Olds, on his own behalf and all other juvenile lifers similarly situated in Pennsylvania. Olds, now 52, was just 14 years old when he was sentenced to life imprisonment without parole for a very minor role in a Pittsburgh murder in 1979. Olds has been incarcerated for 37 years; he was re-sentenced November 21, 2016 to 20 years to life imprisonment. He remains in prison awaiting parole, even though he has served 17 years more than the new sentence he received and his prison record has been exemplary.

Guidance from the Pennsylvania Supreme Court is urgently needed, as prosecutors and judges are relying on sentencing statutes and case law that are inapplicable. "Across the state, many prosecutors are claiming that every juvenile, regardless of their involvement in the crime or their adjustment over years of incarceration, must receive a maximum sentence of life imprisonment," said Marc Bookman, Director of the Atlantic Center for Capital Representation and one of the lawyers for lead petitioner Ricky Olds. "This means that they must be supervised for the rest of their lives by the state, even if all evidence indicates that

it is completely unnecessary. This is onerous and unfair to the juveniles, expensive to the taxpayer, and unconstitutional based on a series of United States Supreme Court cases.”

Failure to address the sentencing rights of Petitioners also heightens the risk that these individuals will be resentenced arbitrarily and without full consideration of their individual circumstances and characteristics. “The United States Supreme Court has gone to great lengths to emphasize that juveniles must be sentenced individually, depending on the role they played in the crime and the type of adult they have become or likely will become. Yet prosecutors across the state are essentially insisting that one size fits all, and this is plainly wrong. While the Pennsylvania Supreme Court is currently considering the constitutional parameters for re-sentencing juveniles previously convicted of *first degree murder* in *Commonwealth v. Batts*, the sentencing rights of juveniles who did not kill or intend to kill appear to be outside the scope of that case,” said Marsha Levick, Deputy Director and Chief Counsel for Juvenile Law Center.

Since 2012, when the US Supreme Court first struck down mandatory life without parole sentences for juveniles, approximately 500 juveniles have been awaiting re-sentencing in Pennsylvania; an estimated 175 of these individuals were convicted of second degree murder. The 2012 ruling, *Miller v Alabama*, is one of four decisions issued by the US Supreme Court between 2005 and 2016 which proscribe treating juveniles and adults alike for sentencing purposes under the Constitution. “Children are categorically less culpable than adults for their actions, and children who did not kill or intend to kill are obviously far less culpable,” noted Heather Renwick, legal director of the Campaign for the Fair Sentencing of Youth based in Washington, D.C. “Mr. Olds is a perfect example of a child who did not kill or intend to kill.”

Under the Court’s authority to exercise extraordinary jurisdiction, the Pennsylvania Supreme Court may immediately grant original jurisdiction to review and address Mr. Olds’ Petition for relief.

The Atlantic Center for Capital Representation (ACCR) is an independent project of a non-profit assisting all adults facing capital punishment and all juveniles facing sentencing for murder in Pennsylvania. ACCR consults with defense teams, conducts death penalty and juvenile resentencing trainings across the state, and actively participates in direct representation. For more information about ACCR’s work, visit www.atlanticcenter.org.

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

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