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Elected Prosecutors Call for Relief for Individuals Sentenced to Life Without Parole as Children

Amicus Brief Argues Missouri Parole Board is Unconstitutionally Denying Individuals Due Process

ST. LOUIS – Today nearly 60 criminal justice leaders, including 30 current elected prosecutors from across the country, filed an [amicus curiae brief](#) in the United States Court of Appeals for the Eighth Circuit in support of the due process rights of people in Missouri sentenced to life without parole as children. These individuals are now eligible for parole under *Miller v. Alabama* and *Montgomery v. Louisiana*. In *Miller* and *Montgomery* the United States Supreme Court ruled that juvenile life without parole sentences were unconstitutional and that this rule of law should be applied retroactively. *Amici* argue that the state of Missouri has created substantial and improper impediments to successfully gaining parole, in violation of the due process rights of individuals who received lifetime sentences as children and in direct contravention of the intent of the *Miller* and *Montgomery* decisions.

“We know that children are fundamentally different than adults, which is why the Supreme Court has deemed life sentences without parole for young people unconstitutional,” said **Miriam Krinsky, Executive Director of Fair and Just Prosecution**. “Justice and the law dictate that we revisit these sentences and evaluate them through a process that is fair and transparent and creates opportunities for individuals sentenced as children to return to their communities. Instead, the State of Missouri has implemented a burdensome system that sets the bar to relief so high that few, if any, are likely to clear it, creating an inflexible life without parole sentence at odds with the Supreme Court’s mandate.”

When cases in which young people were sentenced to life without parole come before the Missouri State Parole Board, decisions are made based solely on evidence presented during a single hearing. Plaintiffs argue, however, that they have been obstructed from presenting relevant evidence during their hearings by restrictions that prevent them from viewing their parole file in advance of their hearing; prohibit more than one delegate from attending hearings; and prohibit the discussion of law in the hearings, such as the *Miller* ruling, or even taking notes. *Amici* argue that these policies constitute a denial of due process and effectively force individuals to serve illegal and unreviewable lifelong sentences – a result that undermines confidence in the justice system.

“Missouri has purposefully instituted a policy that is denying relief to individuals without even a semblance of a real effort to assess if an individual would present a risk to public safety if allowed to return to their community. The court must see this process for what it is: a denial of fundamental rights that harms individuals and, ultimately, community safety by eroding trust in the integrity of the system,” said **St. Louis County Prosecuting Attorney Wesley Bell**, a signatory to the brief.

In the brief, *amici* also underscore that Missouri is out of step with other states that routinely afford individuals sentenced as children to life without parole due process protections aligned with *Miller* and *Montgomery*. Implicit in the widespread adoption of these laws is the recognition that robust procedural protections will lead to a more reliable, fair and just result.

“After years of advocacy and research that indicates the fundamental differences between young people and adults, the Supreme Court struck down the practice of sentencing children to life without parole and deemed it to be unconstitutional because it serves no purpose other than cruelty,” said another signatory to the brief **Patrick McCarthy, former President and CEO of the Annie E. Casey Foundation and former Director of the Delaware Division of Youth Rehabilitative Services**. “Now instead of acting in accordance with the intent of that precedent, Missouri has created a process that effectively bars relief and ensures individuals remain behind bars. It is time for Missouri to join other states across the country in doing what justice and the law requires, which is to provide individuals sentenced to life without parole as children with a meaningful pathway to freedom and a second chance.”

The brief was authored by Joseph C. Welling, John R. Mills and Jennifer Merrigan at [Phillips Black, Inc.](#), with the assistance and coordination of [Fair and Just Prosecution](#), a non-profit organization dedicated to promoting a justice system grounded in fairness, equity, compassion, and fiscal responsibility.

Read the brief [here](#) and see below for a full list of signatories.

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Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP's work, visit <http://www.fairandjustprosecution.org/> or follow us on Facebook [@FairAndJustProsecution](#).

List of Signatories

Chiraag Bains, Former Trial Attorney, Criminal Section, Civil Rights Division, U.S. Department of Justice; Former Senior Counsel to the Assistant Attorney General, Civil Rights Division, U.S. Department of Justice

Hector Balderas, Attorney General, State of New Mexico

Diana Becton, District Attorney, Contra Costa County, California

Wesley Bell, Prosecuting Attorney, St. Louis County, Missouri

Buta Biberaj, Commonwealth's Attorney, Loudoun County, Virginia

Shay Bilchik, Former Administrator, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice

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Chesa Boudin, District Attorney, City and County of San Francisco, California

Aisha Braveboy, State's Attorney, Prince George's County, Maryland

Susan Burke, Former Director, Utah Division of Juvenile Justice Services

Joyce Burrell, Former Deputy Commissioner, New York State Office of Children and Family Services

A. Bates Butler, Former U.S. Attorney, District of Arizona

Gladys Carrión, Former Commissioner, New York City Administration for Children's Services

John Choi, County Attorney, Ramsey County, Minnesota

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Scott Colom, District Attorney, Sixteenth Judicial District, Mississippi

John Creuzot, District Attorney, Dallas County, Texas

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Robert Listenbee, First Assistant District Attorney, Philadelphia District Attorney's Office; Former Administrator, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice

George Lombardi, Former Director, Missouri Department of Corrections

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Patrick McCarthy, Former Director, Division of Youth Rehabilitative Services, Delaware Department of Services for Children, Youth and their Families

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David Muhammad, Executive Director, National Institute for Criminal Justice Reform; Former Chief Probation Officer, Alameda County, California; Former Deputy Commissioner, New York City Department of Probation

Channing Phillips, Former U.S. Attorney, District of Columbia

Karl Racine, Attorney General, District of Columbia

Rachael Rollins, District Attorney, Suffolk County, Massachusetts

Stephen Rosenthal, Former Attorney General, State of Virginia

Marc Schindler, Executive Director, Justice Policy Institute; Former Interim Director and Chief of Staff, District of Columbia Department of Youth Rehabilitation Services

Vincent Schiraldi, Co-Director, Columbia University Justice Lab; Former Director, District of Columbia Department of Youth Rehabilitation Services; Former Commissioner, New York City Department of Probation

Dr. Dora B. Schriro, Former Director, Missouri Department of Corrections; Former Director, Arizona Department of Corrections

Harry L. Shorstein, Former State Attorney, Fourth Judicial Circuit, Florida

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Carter Stewart, Former U.S. Attorney, Southern District of Ohio

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Jane E. Tewksbury, Former Commissioner, Massachusetts Department of Youth Services

Michael A. Wolff, Former Senior Advisor to Wesley Bell, St. Louis County Prosecuting Attorney;
Former Dean, St. Louis University School of Law; Former Chief Justice and Associate Justice, Missouri
Supreme Court