



Juvenile Life Without Parole Initiative

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Dear Friend,

We are writing to update you on the status of current litigation and legislative efforts, and to provide model pleadings in the event you choose to file to preserve your rights under *habeas corpus*, as the anniversary of the US Supreme Court's decision in *Miller v. Alabama* (June 25, 2013) approaches.

Enclosed you will find a memorandum that discusses the potential risks and benefits of filing to preserve your habeas rights under *Miller*. Please read the entire document before making a decision. Whether to file for habeas corpus relief is an individual decision, and, as explained in the memorandum, you will need to consider the circumstances of your case, any previous filings, and the possible risks and benefits, before making a decision.

If you have been matched with pro bono mitigation counsel through our office or otherwise have a lawyer who is working on your case, you should use the enclosed memorandum to discuss these important issues with your attorney. **Please do not take any action without consulting with your attorney.** If your case is being handled by the State Appellate Defender Office and you decide to pursue habeas corpus relief, you should notify their office and keep them advised of any decisions that stem from the filing. Should you decide to preserve your ability to seek habeas relief, we have enclosed a model motion and brief which can be used to exhaust your state court remedies as described in the memorandum and toll the time period for filing for habeas relief. Please remember as you consider your next steps, that it has been less than a year since *Miller* was decided and that the June 25th filing deadline only applies to those who wish to pursue habeas corpus relief and does not apply to any relief that may be available through the state courts. If you have any questions about the filing, you should feel free to call us.

Right now the legal landscape on JLWOP in Michigan is very much in flux. There is new legislation that proposes to make *Miller* retroactive; applications for leave to appeal are pending before the Michigan Supreme Court in the cases of *People v. Carp* and *People v. Davis*; and the federal court is considering what changes to the parole system are necessary to provide real opportunities for release for those sentenced to life without parole in *Hill v. Snyder*. We understand that this time of uncertainty can be extremely difficult for you and your loved ones, however we remain confident as we work toward ensuring a meaningful opportunity for release for all of you.

There are currently bills pending in both the Michigan House and Senate. The bill in the House provides the opportunity to petition for a *Miller* resentencing hearing to all those currently serving LWOP for homicide crimes committed under the age of 18. The bill in the Senate will apply prospectively and sets forth sentencing options going forward. Please keep in mind that the legislative process is one of negotiation, and that bills go through many changes before becoming law. We will provide updates and information on what you and your supporters can do to help as things progress.

Second, on January 30, 2013, Judge O'Meara declared unconstitutional Michigan's sentencing scheme as it applies to children convicted of homicide crimes, and ordered both parties to brief plans that the court could implement to ensure that Plaintiffs receive a fair and meaningful opportunity for release as required by *Graham* and *Miller*. We are currently awaiting a ruling from Judge O'Meara on how he plans to proceed.

We anticipate a decision by the Michigan Supreme Court on whether they will grant the applications for leave to appeal in *Carp* and/or *Davis* by the fall. Those who have filed for resentencing via a 6.500 motion have had their motions held in abeyance pending further action by the Michigan Supreme Court or the federal court.

Thank you for your continued time, patience and efforts, and we hope this letter finds you well.

Sincerely,

Juvenile Life Without Parole Initiative