



INTER - AMERICAN COMMISSION ON HUMAN RIGHTS  
COMISION INTERAMERICANA DE DERECHOS HUMANOS  
COMISSÃO INTERAMERICANA DE DIREITOS HUMANOS  
COMMISSION INTERAMÉRICAINNE DES DROITS DE L'HOMME



**ORGANIZATION OF AMERICAN STATES**  
WASHINGTON, D.C. 20006 U.S.A.

October 1, 2010

RE: **Juveniles Sentenced to life without parole in the USA**  
**P-161-06**  
**United States**

Dear Sir/Mesdames:

I am pleased to address you on behalf of the Inter-American Commission on Human Rights in order to forward the pertinent parts of additional information submitted by the State of United States in connection with the petition referred to above.

I hereby request that you submit the observations on this additional information that you consider relevant within one month of the date of the transmission of the present communication

Sincerely,

Santiago A. Canton  
Executive Secretary

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Enclosure



THE DEPARTMENT OF STATE  
OF THE  
UNITED STATES OF AMERICA  
TO THE  
ORGANIZATION OF AMERICAN STATES  
WASHINGTON, D.C.

September 22, 2010

Dr. Santiago Canton  
Executive Secretary  
Inter-American Commission on Human Rights  
Washington, D.C. 20006

Re: Juveniles sentenced to life without parole in the United States,  
Petition No. P-161-06

Dear Mr. Canton,

Attached please find a supplemental Response of the United States Government in the above-mentioned case, in view of the recent decision of the United States Supreme Court in *Graham v. Florida*, to serve as supplemental to the February 12, 2009 and other previous submissions of the U.S. Government. Also enclosed please find a decision of the U.S. Supreme Court and letter from the Acting Solicitor General of the U.S. Department of Justice, both regarding the case *Graham v. Florida*.

Please accept renewed assurances of my highest consideration.

Sincerely,

Carmen Lomellin  
Ambassador

Juveniles Sentenced to Life Without Parole in the United States,  
Petition No. P-161-06  
Supplemental Response of the United States  
September 20, 2010

The Government of the United States would like to bring to your attention a development regarding the above-mentioned petition. On May 17, 2010, the United States Supreme Court issued its decision in *Graham v. Florida*, 560 U.S. \_\_\_, 130 S. Ct. 2011 (2010), holding that the prohibition of cruel and unusual punishment in the Eighth Amendment of the United States Constitution does not allow a juvenile offender to be sentenced to life in prison without parole for a nonhomicide crime, 560 U.S. \_\_\_, 130 S. Ct. 2011 (2010). A copy of *Graham v. Florida* is attached to this letter. This decision further shows that, as the Government of the United States argued in its Response to the Inter-American Commission on Human Rights Regarding Juveniles Sentenced to Life without Parole, submitted on April [27? USOAS please fill in date], 2007 ("Response"), the petitioners have not exhausted their domestic remedies.

While the petitioners do not fit within the facts of *Graham* in that they involve homicide crimes, the decision itself further bolsters the argument made in the Response that petitioners have not exhausted their domestic remedies. Petitioners have argued that any attempts to fully exhaust domestic remedies would have been futile because there is no reasonable chance of success at the domestic level. For example, writing before the *Graham* decision they argued that "the U.S. Supreme Court has given strong indications that it currently considers juvenile life without parole sentences to be constitutional," and they described review by the U.S. Supreme Court of their case as a "remote possibility" and "highly unlikely." (Observations on the U.S. Response, and Supplemental Support, Dec. 11, 2008, at 6, 7.) However, the Supreme Court's decision in *Graham* demonstrates the error of Petitioners' speculative assertions about the likelihood of Supreme Court review and the result of such review. *Graham* further demonstrates that the Commission should not prejudge the prospect of success for petitioners at the domestic level, nor should it describe Petitioners' domestic remedies as futile.

We note that while the Court in *Graham* was not presented with the question of whether life in prison without parole is an unconstitutional sentence for a juvenile offender convicted of a homicide crime, the Court has left open this question. This question remains open to be brought to the Court. Further much of the Court's analysis in *Graham* could be found to be applicable to juveniles convicted of homicide crimes. As the Supreme Court looked at the diminished culpability of juveniles in *Roper v. Simmons*, 543 U.S. 551 (2005), when it held that imposition of the death penalty on juvenile offenders for any crimes was unconstitutional, in *Graham* the Court considered the same attribute, which could be applicable to all juveniles, regardless of the crime they commit. In the *Graham* decision, the Court observed that "[l]ife without parole is an especially harsh punishment for a juvenile." *Graham v. Florida*, 560 U.S. \_\_\_, 130 S. Ct. 2011, 2028 (2010). Such analysis would also apply to juvenile offenders convicted of homicide crimes. Further, in examining whether such sentences serve legitimate penological goals, the Court stated life sentences without the possibility of parole "cannot be justified by the goal of rehabilitation." *Graham v. Florida*, 560 U.S. \_\_\_, 130 S. Ct. 2011, 2029 (2010). In coming to this conclusion the Court does not distinguish between such sentences for homicide or

nonhomicide crimes. The Court also states that juveniles "should not be deprived of the opportunity to achieve maturity of judgment and self-recognition of human worth and potential," and that life in prison without the possibility of parole cuts off such an opportunity. Graham v. Florida, 560 U.S. \_\_\_\_\_, 130 S. Ct. 2011, 2032 (2010). While of course the United States cannot predict or suggest the ultimate outcome of a judicial challenge to life imprisonment without parole for juveniles convicted of homicide, the Supreme Court's analysis in *Graham*, and the decision itself, both stand in stark contrast to the petitioners' assertion that exhausting domestic remedies would be futile.

In sum, the petitioners' contention that no U.S. court has struck down as unconstitutional the sentencing of a juvenile to life imprisonment without the opportunity for parole is no longer the case. The U.S. Supreme Court's ruling in *Graham* further bolsters the arguments regarding inadmissibility due to failure to exhaust domestic remedies set forth by the Government of the United States in its Response. Therefore the Government of the United States respectfully reiterates its request that the Commission declare Petition P-161-06 as inadmissible.



U.S. Department of Justice  
Office of the Solicitor General

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Washington, D.C. 20530

May 24, 2010

Honorable William K. Suter  
Clerk  
Supreme Court of the United States  
Washington, D.C. 20543

Terrance Jamar Graham v. Florida  
S. Ct. No. 08-7412

Dear Mr. Suter:

The government respectfully submits this letter to clarify certain information concerning federal inmates that the Court cited in its decision in the above-captioned case.

The opinion for the Court states that "there are six convicts in the federal prison system serving life without parole sentences for [juvenile] nonhomicide crimes." Slip Op. at 12-13. In support of that statement, the opinion cites data provided to the Court in a letter and attachment from the Federal Bureau of Prisons (BOP) dated April 12, 2010. We are informed that the letter, of which this office became aware only upon the release of the Court's decision, was submitted in response to a confidential request from Court personnel. In view of time constraints associated with the Court's request, BOP was able only to consult its automated inmate records and not other documentation such as presentence investigation reports.

BOP's letter indicates that the attachment reflects the results of BOP's search of its automated inmate records to "identify inmates in custody who were sentenced in the Federal court to a term of life imprisonment without the possibility of parole, for an offense other than murder committed before the individual's 18th birthday." The attachment lists, among others, six federal inmates who, according to BOP's automated inmate records system, are serving sentences of life for offenses other than murder or carjacking resulting in death. The government assumes that, in identifying "six convicts in the federal prison system serving life without parole sentences for [juvenile] nonhomicide crimes," Slip Op. at 12-13, the Court intended to refer to these six inmates.

The government has conducted a careful review of presentence investigation reports and other materials concerning these inmates. Based on that review, it appears that none of the six inmates listed in the attachment to BOP's letter is serving a life sentence based solely on a nonhomicide crime completed before the age of 18. Nor is the government aware of any other federal inmate who is serving a life sentence solely for a nonhomicide crime completed before the age of 18.

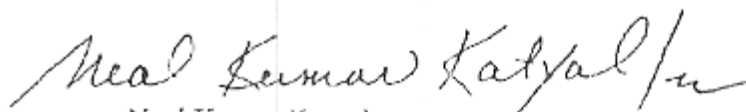
Five of the six inmates (BOP register numbers 15683-018, 20931-050, 25166-083, 34786-083, and 61025-004) were convicted for criminal conduct — namely, participation in unlawful conspiracies or criminal enterprises — that began when they were juveniles but continued after they reached the age of 18. In addition, the real offense conduct of three of those five (BOP register numbers 20931-050, 34786-083, and 61025-004) involved the killing of another; in one case (BOP register number 34786-083), the inmate was charged with and convicted of murder as a predicate offense for liability under the Racketeer Influenced and Corrupt Organizations Act (RICO).

The sixth inmate (identified by BOP register number 14043-050) completed his offense as a juvenile. That offense, however, involved homicide; he was charged with and convicted of murder as a predicate act under RICO.

Attached is a chart that provides additional detail concerning the age of the inmate at the time of the offense and offense conduct involving the killing of others.

Please do not hesitate to contact me if we can be of further assistance.

Sincerely,



Neal Kumar Katyal  
Acting Solicitor General

Attachment

cc: See Attached Service List

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Inmate	Offense(s) of conviction	Juvenile status at time of offense	Offense conduct involving the killing of others
Corey Grant, 14043-050	RICO conspiracy and RICO, based on predicate acts including murder and attempted murder; conspiracy to distribute and possess with intent to distribute cocaine; possession with intent to distribute cocaine; possession of a firearm during a crime of violence	Offense concluded at age 16	Charged with and convicted of murder as a RICO predicate act
Ralph Edwin Brazel, 15683-018*	Conspiracy to distribute cocaine base; distribution of cocaine base	Offense began before age 18; defendant turned 18 during the course of the conspiracy, approximately two weeks before his arrest	
Juan Antonio Santiago-Vazquez, 20931-050	Conspiracy to distribute heroin, cocaine, cocaine base, and marijuana	Offense began before age 18; continued until age 21	Along with co-conspirators, killed or procured the killing of others

Ronald Jourdan Evans, 25166-083*	Conspiracy to distribute and possess with intent to distribute heroin, cocaine, and a mixture containing cocaine base; possession with intent to distribute heroin, cocaine, and a mixture or substance containing cocaine base	Offense began before age 18; defendant turned 18 during the course of the conspiracy, approximately nine months before he was indicted	
Albert Randolph, 34786-083	RICO, based on predicate acts including murder	Offense began before age 18; continued until age 23; committed murder at age 16	Charged with and convicted of murder as a RICO predicate act
Leonard Brown, 61025-004*	Conspiracy with intent to distribute cocaine and cocaine base; conspiracy to import cocaine; possession with intent to distribute cocaine and cocaine base; conspiracy to use and carry a firearm during and in relation to a drug trafficking crime	Offense began before age 18; continued until age 19	Along with co-conspirators, participated in the killing of others

\* Sentenced to concurrent terms of life imprisonment for offense(s) completed as a juvenile and for offense(s) completed after age 18.