



NEWS RELEASE –

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**COLORADO SUPREME COURT UPHOLDS JUVENILE
RE-SENTENCING LAW**

Today, in *People v Brooks* (2018 CO 77) the Colorado Supreme Court upheld the state’s revised sentencing scheme for juvenile offenders who received unconstitutional mandatory sentences to life in prison without the possibility of parole (“LWOP”).

In 2012, the U.S. Supreme Court ruled it was unconstitutional to impose on juveniles a mandatory life sentence without the possibility of parole. All 50 states were therefore required to review such cases for re-sentencing. In January 2016, the U.S. Supreme Court announced that its 2012 ruling applied retroactively. Approximately 50 cases in Colorado involving juveniles who committed murders between 1990 and 2006 were impacted by those rulings.

Later in 2016, the state legislature enacted a statute that created new sentencing ranges for those juveniles sentenced in Colorado to unconstitutional sentences, providing two sentencing options: one for those convicted of intentional class 1 murder, and a second for those convicted of felony murder.

Earlier this year, in April, the Arapahoe County District Court upheld the constitutionality of the re-sentencing law. That ruling was subsequently appealed to Colorado Supreme Court by the 18th Judicial District Attorney. At issue was a portion of the statute that creates a range of 30-50 years in prison, with 10 years of mandatory parole, for juveniles convicted of felony murder. The question was whether that provision created an “illusory class,” in violation of Article V, Section 25 of the Colorado Constitution (the Special Legislation Clause). Sixteen defendants charged while juveniles and convicted of felony murder are subject to that provision.

Denver District Attorney Beth McCann filed an amicus brief in May opposing the appeal, supporting the constitutionality of the re-sentencing law.