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## ***NEWS RELEASE –***

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### **DENVER DA BETH MCCANN OPPOSES CHALLENGE TO JUVENILE RE-SENTENCING LAW**

Denver District Attorney Beth McCann is seeking to file an amicus brief opposing an appeal filed by a fellow district attorney. The appeal concerns the constitutionality of provisions in Colorado's 2016 juvenile murder re-sentencing statute.

McCann filed a motion yesterday with the Colorado Supreme Court for leave to file an amicus brief, along with the brief. A copy of the amicus brief is attached.

"The re-sentencing of juveniles sentenced to life in in prison without the possibility of parole has been settled by the U.S. Supreme Court and the Colorado General Assembly. I believe the legal framework crafted by the legislature in 2016 is sound and should be allowed to be implemented as intended," DA McCann said in explaining her decision to seek to file an amicus brief in support of the law.

In 2016, the legislature enacted a statute that created new sentencing ranges for juveniles who committed murders between 1990 and 2006. At issue is 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 is whether that provision creates 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.

In April, the Arapahoe County District Court upheld the constitutionality of the re-sentencing law. 18<sup>th</sup> Judicial District Attorney George Brauchler subsequently filed an action in the Colorado Supreme Court challenging the district court's ruling. Oral argument is scheduled for June.

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 were impacted by those rulings. Later in 2016, the Colorado legislature passed a state law governing the re-sentencing process for those juveniles sentenced in Colorado to unconstitutional sentences.