

STATE OF NEW JERSEY,

Plaintiff-Respondent,

VS.

MAURICE ROMERO,

Defendant-Appellant.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
Docket No. A-3859-18T2
Indictment No. 0326-04-87-I

Criminal Action

On Appeal From:
Superior Court of New Jersey,
Law Division, Ocean County

Sat Below:
Hon. Peter J. Giovine, J.S.C.
Hon. James M. Blaney, J.S.C.

BRIEF OF *AMICUS CURIAE*
THE AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY

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TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES.....	ii
INTRODUCTION.....	1
INTEREST OF <i>AMICUS CURIAE</i>	3
STATEMENT OF PROCEDURAL AND FACTUAL HISTORY.....	3
ARGUMENT.....	3
I. Parole Data Is Relevant to Determining Whether New Jersey’s Parole Process Provides a “Meaningful Opportunity to Obtain Release” under the State and Federal Constitutions.....	3
II. Parole Data Is Relevant to Determining the Applicability of <i>Zuber, Miller, and Graham</i> in Particular Cases.....	11
CONCLUSION.....	18

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Bonilla v. Iowa Bd. of Parole</i> , 930 N.W.2d 751 (Iowa 2019)	6, 11
<i>Brown v. Precythe</i> , 2017 WL 4980872 (W.D. Mo. Oct. 31, 2017)	7, 11
<i>In re Civil Commitment of W.X.C.</i> , 204 N.J. 179 (2010)	16
<i>Diatchenko v. Dist. Attorney for Suffolk Dist.</i> , 27 N.E.3d 349 (Mass. 2015)	11
<i>Graham v. Florida</i> , 560 U.S. 48 (2010)passim
<i>Greiman v. Hodges</i> , 79 F. Supp. 3d 933 (S.D. Iowa 2015)	11
<i>Hayden v. Keller</i> , 134 F. Supp. 3d 1000 (E.D.N.C. 2015)	8, 10, 11
<i>Maryland Restorative Justice Initiative v. Hogan</i> , 2017 WL 467731 (D. Mary. Feb. 3, 2017)	7
<i>Miller v. Alabama</i> , 567 U.S. 460 (2012)passim
<i>Montgomery v. Louisiana</i> , 136 S.Ct. 718 (2016)passim
<i>N.A.A.C.P. v. Twp. of Mt. Laurel</i> , 67 N.J. 151 (1975)	16
<i>In re Proportionality Review Project (II)</i> , 165 N.J. 206 (2000)	17
<i>Roper v. Simmons</i> , 543 U.S. 551 (2005)	4
<i>State v. Loftin</i> , 157 N.J. 253 (1999)	17

State v. Meyer,
192 N.J. 421 (2007)16

State v. Pena-Flores,
198 N.J. 6 (2009)16

State v. Shannon,
210 N.J. 225 (2012)16

State v. Witt,
223 N.J. 409 (2015)16

State v. Zarate,
2020 WL 2179126 (May 6, 2020)2

State v. Zuber,
227 N.J. 422 (2017)*passim*

In re Township of Warren,
132 N.J. 1 (1993)16

Statutes

N.J.S.A. 2C:43-7.2.....12

Other Authorities

Beth Caldwell, 40 N.Y.U. Rev. L. & Soc. Change 245
(2016)7

Kristen Bell, "A Stone of Hope," 54 Harv. C.R.-C.L. L.
Rev. 455 (2019)8

Regulations

N.J.A.C. 10A:71-3.11.....15

N.J.A.C. 10A:71-3.11(b)1-23.....10

INTRODUCTION

This case addresses the consideration of parole data in juvenile sentencing under the New Jersey and Federal Constitutions. Following *State v. Zuber*, 227 N.J. 422 (2017), which relied upon and extended *Miller v. Alabama*, 567 U.S. 460 (2012), and *Graham v. Florida*, 560 U.S. 48 (2010), parole data is relevant in two ways.

First, parole data is probative of when and whether the possibility of parole will cure an otherwise unconstitutional juvenile sentence. Under *Miller*, all juveniles except for the "rare juvenile offender whose crime reflects irreparable corruption" are entitled to a sentence that provides "some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation." 567 U.S. at 479-80 (citations and quotation marks omitted). But the requisite "meaningful opportunity" must entail at least a realistic possibility of release in cases in which a juvenile can demonstrate reform, and the consideration of parole data is necessary in order to assess whether that is so and thus, whether New Jersey's parole process passes constitutional muster.

Second, parole data is relevant to determining whether a juvenile sentence fails, as a matter of constitutional law, the requirements of *Zuber*, *Graham*, and *Miller*. Those decisions mandate both procedural and substantive limitations on long sentences imposed upon juveniles. Procedurally, they require a sentencing

court to consider "youth and its attendant characteristics" before imposing a lengthy prison term. *Miller*, 567 U.S. at 465, 477-78. Substantively, they place an upper limit on the length of time to which a juvenile who is not "incorrigible" may be sentenced. *Montgomery v. Louisiana*, 136 S.Ct. 718, 734 (2016). But those requirements apply only to a certain category of long sentences, and to determine if a sentence is sufficiently lengthy, *Zuber* instructs that "[t]he proper focus belongs on the amount of real time a juvenile will spend in jail." *Zuber*, 227 N.J. at 429. Accordingly, parole data showing how much "real time" a juvenile is actually facing, regardless of when he becomes eligible for parole, must necessarily be considered in determining whether the procedural and substantive protections of *Zuber*, *Miller*, and *Graham* apply.

In this case, Mr. Romero argues that his sentence of 40 years without parole eligibility is sufficiently harsh to invoke *Zuber* and *Miller*, which the court below misapplied. See App.'s Br. at 23-53. But although *amicus* believes and has elsewhere argued that 40 years is in and of itself an unconstitutional sentence,¹ until that issue is resolved either by the Courts or by the Legislature, the Court must look to parole data to determine when Mr. Romero is

¹See *Zuber*, 227 N.J. at 435 (discussing *amicus*' proposed "bright line rule"); see also *State v. Zarate*, 2020 WL 2179126, at *19 (May 6, 2020) (discussing *amicus*'s "systemic suggestion[]").

likely to be released (i.e., his "real time") to trigger the protections of *Zuber*, *Miller*, and *Graham*. Thus, *amicus* urge this Court to vacate this matter and remand it for a full and fair consideration of the available parole data so that it may determine both the true length of the sentence at issue and whether, in fact, the defendant is being provided a "meaningful opportunity" for release based upon his rehabilitation.

INTEREST OF AMICUS CURIAE

The American Civil Liberties Union of New Jersey (ACLU-NJ) sought leave to participate in this matter based upon its long-standing commitment to protecting the rights of juveniles given their distinctive vulnerabilities and capacity for reform. That interest is set forth in detail in the ACLU-NJ's Motion to Participate and is incorporated by reference as if fully set forth herein.

STATEMENT OF PROCEDURAL AND FACTUAL HISTORY

Amicus adopts the Statements of Procedural and Factual History in Appellant's opening brief. See App. Br. at 3-23.

ARGUMENT

I. Parole Data Is Relevant to Determining Whether New Jersey's Parole Process Provides a "Meaningful Opportunity to Obtain Release" under the State and Federal Constitutions.

The recent sea-change in the law of juvenile sentencing gave rise to a new constitutional requirement: that nearly all juveniles must be afforded "some meaningful opportunity to obtain release

based on demonstrated maturity and rehabilitation." *Graham*, 560 U.S. at 75. The pertinent jurisprudence began with *Roper v. Simmons*, 543 U.S. 551 (2005), in which the United States Supreme Court banned the death penalty for juveniles based on "three general differences between juveniles under 18 and adults" that render them "'categorically less culpable'" for their conduct. 543 U.S. at 567-69 (citation omitted). In *Graham*, the Court held that the same developmental shortcomings undermine any justification for sentencing a juvenile convicted of a non-homicide offense to life without the possibility of parole (LWOP). 560 U.S. at 71-75. Instead, *Graham* held, juveniles convicted of non-homicide offenses must receive "some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation." *Id.* at 75. *Miller* extended this requirement to almost all juveniles convicted of homicide offenses. Specifically, *Miller* held that before a juvenile convicted of homicide may be sentenced to LWOP, the sentencing court must consider the defendant's "youth and its attendant characteristics" in mitigation, 567 U.S. at 465, 477-78, and that thereafter, only the "rare juvenile offender whose crime reflects irreparable corruption" may receive a sentence of LWOP, with all others entitled to the same "meaningful opportunity to obtain release" required by *Graham*. *Id.* at 479-80 (citations and quotation marks omitted).

The New Jersey Supreme Court extended these principles in *Zuber*, which held that *Graham* and *Miller* apply equally to juveniles facing long sentences that fall short of LWOP. 227 N.J. at 429. Recognizing that *Graham* and *Miller* "left it to the States to explore the means and mechanisms to give defendants some meaningful opportunity to obtain release," *Zuber* left it to the Legislature to enact a statutory mechanism providing for constitutionally sufficient review of juvenile sentences under this doctrine. 227 N.J. at 452-53, 452 n.4 (citing with approval statutes from other States providing juveniles with an opportunity for release or resentencing at between 15 and 30 years) (citations and quotation marks omitted). But the Legislature has yet to enact such a provision, and thus, a juvenile in New Jersey can only be assured of the requisite "meaningful opportunity" in one of two ways: through the parole process, or by virtue of the conclusion of his sentence. Of course, parole data is relevant to determining whether the first of these provides for a constitutionally sufficient remedy.

That is, while *Montgomery* held that "[a] State may remedy a *Miller* violation by permitting juvenile homicide offenders to be considered for parole," *Montgomery* also noted that parole can only afford a "meaningful opportunity" if it:

[E]nsures that juveniles whose crimes reflected only transient immaturity – and who have since matured – will not be forced to

serve a disproportionate sentence in violation of the Eighth Amendment. Those prisoners who have shown an inability to reform will continue to serve life sentences. . . . The opportunity for release will be afforded to those who demonstrate the truth of *Miller's* central intuition—that children who commit even heinous crimes are capable of change.

[136 S.Ct. at 736.]

Thus, for the possibility of parole to cure an otherwise disproportionate juvenile sentence, it must entail some *probability* of release if maturation and reform can be demonstrated. See *id.* (juveniles who have “matured” must be “*ensure[d]*” that they will not “be forced to serve a disproportionate sentence”) (emphasis added). This probabilistic requirement is consistent with *Graham*, which used the terms “meaningful” and “realistic” interchangeably in stating, “[a] State need not guarantee the offender eventual release, but if it imposes a sentence of life it must provide him or her with some *realistic* opportunity to obtain release before the end of that term.” 560 U.S. at 82 (emphasis added). In the same vein, *Graham* rejected that clemency could provide a “*meaningful* opportunity” because it is too “remote [a] possibility.” *Id.* at 70 (emphasis added).

Other jurisdictions have likewise recognized that a “meaningful opportunity” entails some baseline probability of release if rehabilitation can be demonstrated. See, e.g., *Bonilla*

v. Iowa Bd. of Parole, 930 N.W.2d 751, 772 (Iowa 2019) (“Parole authorities cannot require the camel to pass through the needle’s eye. . . . Were the law otherwise, a recalcitrant parole authority could convert a potentially valid sentence into the functional equivalent of an unconstitutional life without possibility of parole.”); *Maryland Restorative Justice Initiative v. Hogan*, 2017 WL 467731, at 26 (D. Mary. Feb. 3, 2017) (where complaint alleged, *inter alia*, “that early release is the exception,” finding “a plausible claim that Maryland’s system of parole has deprived [plaintiffs] of the right to a meaningful opportunity for release”); *Brown v. Precythe*, 2017 WL 4980872, at *9 (W.D. Mo. Oct. 31, 2017) (“*Graham, Miller, and Montgomery*, require[] states to provide juvenile offenders with a meaningful and *realistic* opportunity for release[.]”) (emphasis added); *see also* Beth Caldwell, 40 N.Y.U. Rev. L. & Soc. Change 245, 285 (2016) (noting a probabilistic requirement in stating, “a realistic chance of being released is also necessary to render the opportunity meaningful”).

In light of these principles, several courts have considered parole data in order to determine whether parole was sufficiently realistic to comply with the Eighth Amendment. *See, e.g., Hogan*, 2017 WL 4980872, at *9-10 (denying motion to dismiss, citing Plaintiffs’ allegation that “‘of more than 200 parole-eligible juvenile lifers in Maryland,’ ‘no one has been paroled in the last

twenty years,'" and authorizing discovery, including of juvenile parole release and denial rates over prior 20-year period); *Hayden v. Keller*, 134 F. Supp. 3d 1000, 1004-05, 1009-10 (E.D.N.C. 2015) (granting summary judgment to Plaintiff in § 1983 case challenging State parole process, finding "statistical data" cataloguing "parole likelihood," including release rates based on diverse factors, to be "relevant information" and concluding, "[t]he data before the court also indicates that juvenile offenders are rarely paroled"); see generally Kristen Bell, "A Stone of Hope," 54 Harv. C.R.-C.L. L. Rev. 455 (2019) (empirical study of California's parole system as applied to juveniles concluding that release is not consistently "ensure[d]" for those who demonstrate rehabilitation, as a result of which State system found to be in violation of *Graham, Miller, and Montgomery*).

Thus, data showing the probability that a juvenile who demonstrates maturity and rehabilitation will be released on parole in New Jersey is highly relevant to determining whether this State affords the "meaningful opportunity" for release through the parole process that the constitution requires. This is a critical inquiry: if New Jersey does not provide a "meaningful opportunity" through parole, then juveniles must be assured of that "meaningful opportunity" by virtue of when their sentences will conclude. That is, courts sentencing juveniles to potentially lengthy terms must be aware of whether parole-eligibility will

save an otherwise disproportionate sentence, or whether instead they must shorten their sentences to ensure compliance with *Zuber*, *Miller*, and *Graham*.

Here, the courts below failed to require that such data be produced and considered. That error is particularly stark given the record evidence produced on appeal revealing that between 2012 and 2020, less than 9% of those serving life sentences were granted parole at their first opportunity. App. Reply Br. at 8. Accordingly, this matter should be remanded for further development of a record that would, for example, include parole statistics with regard to juveniles and particularly those who have adduced proof of maturity and rehabilitation.² Indeed, because as Appellant argues, his sentence was imposed in violation of *Zuber* and *Miller* regardless of his likelihood of release on parole - since 40 years without parole eligibility is neither justified based on the evidence under the *Miller* factors nor proportionate for a juvenile who is capable of reform, see App.'s Br. at 23-52 - Mr. Romero is entitled to resentencing regardless. And because, on remand, the court will have to determine whether parole in New Jersey provides a "meaningful opportunity," or whether instead the

²To identify the subset of cases in which maturation and reform were clearly demonstrated, the court might consider - through the help of expert assistance where appropriate - such factors as recent disciplinary record, participation and completion of programs, education, work record, commendations from prison staff and volunteers, reentry plan, or other pertinent factors.

court must tailor its sentence to ensure timely release, it should also be required to allow evidence and make appropriate findings regarding the likelihood of the defendant obtaining release on parole after proving that he has been rehabilitated.

At the very least, the court, on remand, should consider whether New Jersey's parole process in fact ensures proper consideration of a juvenile's subsequent maturation and reform.³ If the court below finds that the parole process does not properly account for such proof, that would provide an independent basis to determine that parole in New Jersey does not afford a constitutional "meaningful opportunity to obtain release." See *Montgomery*, 136 S.Ct. at 736 (discussing evidence of the Petitioner's maturation and reform and holding, "[t]he petitioner's submissions are relevant . . . as an example of one

³There is reason to conclude that it does not. None of the 23 factors on which the Board is to base its parole decision expressly contemplates the growth and reform of an individual incarcerated for a juvenile offense. See N.J.A.C. 10A:71-3.11(b)1-23. Rather, the parole process in New Jersey fails to distinguish between individuals incarcerated for offenses as juveniles versus adults. See *Hayden*, 134 F. Supp. 3d at 1009 (holding North Carolina failed to provide "meaningful opportunity" in its parole system because "[t]he commissioners and their case analysts do not distinguish parole reviews for juvenile offenders from adult offenders."). In apparent recognition of this constitutional shortcoming, the Board proposed a rule change on June 1, 2020, amending its list of factors to include "(b)24 Subsequent growth and increased maturity of the inmate during incarceration." Notice of Proposed Rule Change, N.J. Parole Bd. (June 1, 2020), available at <https://www.state.nj.us/parole/docs/Notice%20of%20Proposal%20June%202020.pdf>. That proposal was submitted for 60 days of public comment but has not yet been enacted.

kind of evidence that prisoners might use to demonstrate rehabilitation"); see also *Bonilla*, 930 N.W.2d at 772 ("[T]he standard to be applied by parole authorities considering the release of a juvenile offender under *Graham-Miller* is an individualized determination of whether the juvenile offender has 'demonstrated maturity and rehabilitation'"); *Precythe*, 2017 WL 4980872, at *9 (to comply with *Graham* and *Miller*, parole must be "an opportunity that permits the offenders to demonstrate maturity and rehabilitation"); *Hayden*, 134 F. Supp. 3d at 1009 (finding Eighth Amendment violation where parole process "fail[ed] to consider 'children's diminished culpability and heightened capacity for change'" (quoting *Miller*, 567 U.S. at 479); *Greiman v. Hodges*, 79 F. Supp. 3d 933, 945 (S.D. Iowa 2015) ("*Graham* . . . creates a categorical entitlement to 'demonstrate maturity and reform[]' [in the parole process.]" (citation omitted); see also *Diatchenko v. Dist. Attorney for Suffolk Dist.*, 27 N.E.3d 349, 358-68 (Mass. 2015) (holding under State constitution that a juvenile must have access to counsel, funding for experts, and judicial review to assure his ability to demonstrate rehabilitation in the parole process).

II. Parole Data Is Relevant to Determining the Applicability of Zuber, Miller, and Graham in Particular Cases.

Beyond its relevance to determining whether the possibility of parole is truly a "meaningful opportunity" for release, parole

data must also be considered in order to ensure that a juvenile defendant's sentence is not unconstitutionally long and thus disproportionate under the caselaw.⁴ To be sure, neither *Zuber*, nor any subsequent decision has drawn a bright line demarcating the length of sentence that is excessive for a juvenile who is capable of reform under either the State or Federal Constitutions; nor, at this point, has the Legislature done so. The decision, thus, is left to individual courts in individual cases.⁵

But even more generally, the length of a juvenile sentence determines the applicability of *Zuber*, *Miller*, and *Graham*. That is, *Zuber*, *Miller*, and *Graham* collectively set forth two

⁴The arguments in this section apply to cases like Mr. Romero's, in which the original sentence was rendered before enactment of the No Early Release Act (NERA), N.J.S.A. 2C:43-7.2, in 1997. For juvenile defendants sentenced after passage of NERA, the precise length of their sentence is known (85% of the term of years imposed) and does not hinge on parole. As a result, parole data is not relevant to determining the applicability of *Zuber*, *Miller*, and *Graham* to such cases.

⁵The caselaw provides a standard for courts to make this determination. Following *Graham* and *Miller*, all but the "rare juvenile [homicide] offender" who is found incorrigible must be provided a "meaningful opportunity to obtain release" at a time that allows for "fulfillment outside prison walls," "reconciliation with society," and "hope." *Graham*, 560 U.S. at 79; *Miller*, 567 U.S. at 479 (quoting *Graham*). To draw an appropriate line that gives meaning to the chance for "fulfillment outside of prison walls" and "reconciliation with society," New Jersey courts should utilize the same analytical framework employed in *Graham* and *Miller* in determining the constitutionality of LWOP sentences: a proportionality analysis that considers "objective indicia" of societal values; the severity of the punishment in question; the culpability of the class of offenders; and the degree to which the recognized penological rationales justify the length of sentence at issue. *Graham*, 560 U.S. at 61-75.

requirements for a juvenile facing a long sentence. First, as a procedural matter, such a juvenile is entitled to a sentencing hearing where he may present, and the court must consider and give weight to, evidence of his "youth and its attendant characteristics," the so-called *Miller* factors. *Miller*, 567 U.S. at 465, 477-78; *Montgomery*, 136 S.Ct. at 734-35 (requirement to consider the *Miller* factors is "a procedural requirement necessary to implement a substantive guarantee"); *Zuber* 227 N.J. at 447 (applying *Miller's* procedural requirement to long sentences). Second, these decisions place a substantive limit on the amount of time a juvenile who is capable of reform may be required to spend in prison. *Montgomery*, 136 S.Ct. at 734; *Zuber*, 227 N.J. at 448 (holding, "we find that the lengthy term-of-years sentences imposed on the juveniles in these cases are sufficient to trigger the protections of *Miller*"). And *Zuber* further instructs that in answering that question, "[t]he proper focus belongs on the amount of real time a juvenile will spend in jail and not on the formal label attached to his sentence." *Zuber*, 227 N.J. at 429. The pivotal question, the *Zuber* Court thus made clear, is how long the juvenile will ultimately serve in prison. See *id.* at 447 ("The label alone cannot control; we decline to elevate form over substance.").

Parole data, then, is relevant for a second purpose: to assist a sentencing court in determining the amount of "real time" the

juvenile will likely spend in prison if a particular sentence is imposed. Once that data is used to ascertain how long a juvenile will actually serve if a given sentence is imposed, a court can determine, as it must, whether a prospective sentence is sufficiently lengthy to entitle the juvenile to a sentencing hearing where the court considers and gives weight to the *Miller* factors (*Miller's* procedural requirement), and whether the court is forbidden from imposing such a lengthy sentence absent a finding that the juvenile is incorrigible (*Miller's* substantive requirement).

To use the present case as an example, before sentencing Mr. Romero to an aggregate term of 40 years without the possibility of parole, the court below should have determined whether parole in New Jersey provides a "meaningful opportunity to obtain release," as discussed in the previous section. If not, the court should then have determined how long Mr. Romero was likely to spend in prison beyond his first parole eligibility date. The court should then have added that figure to the 40-year term to arrive at the probable "real time" total. And finally, the court should have determined whether the "real time" total was sufficiently lengthy to invoke the procedural and substantive protections of *Miller*. If so, Mr. Romero was entitled to an appropriate *Miller* hearing, and given that the court below determined that he was not incorrigible, App. Br. at 21 (citing 3T51:14-18), whether a term of 40 years

without parole eligibility (with a longer "real time" total) was disproportionate and unconstitutional, as *amicus* agrees it was.

On remand in this case, and in all similarly pre-NERA resentencing cases in the futures, see *supra* n.4, that is what sentencing courts should be required by this Court to do. Thus, the development and consideration of parole data is necessary in order to perform the "real time" calculation that the law demands. To be sure, the calculus is not necessarily an easy one: while it would begin with the universe of individuals who have been considered for parole and were juveniles at the time of the offense, it would have to be refined to more specifically look to a group that shares traits with the defendant that are salient to parole outcomes,⁶ considering statistical parole data to determine how much "real time" the juvenile will ultimately serve. Where necessary or appropriate, the court could appoint an expert or permit the parties to admit competing expert testimony on the issue.

While complex, such a statistical analysis is not at all unknown to the legal system. Thus, for example, the New Jersey

⁶Per the parole guidelines, these would include such factors as the "[f]acts and circumstances of the offense," including "aggravating and mitigating factors," history of disciplinary infractions or offenses while incarcerated, and positive institutional history as evidenced by program participation or documented relationships with inmates or staff, among others. N.J.A.C. 10A:71-3.11.

Supreme Court engaged in precisely this kind of analysis in determining the proportionality of death sentences, when they were permissible.⁷ Thus, in the death penalty context, New Jersey's proportionality review entailed the statistical comparison of a particular defendant to a group that was comparable based upon such outcome-determinative factors as the nature of the offense, the presence of particular aggravating or mitigating factors, and

⁷The New Jersey Supreme Court has utilized statistical analysis in other criminal sentencing contexts, as well. *See, e.g., In re Civil Commitment of W.X.C.*, 204 N.J. 179, 199-200 (2010) (where defendant challenged civil commitment under the Sexually Violent Predator Act, N.J.S.A. 30:4-27.24 to -27.38, claiming commitment violated the Ex Post Facto clause because defendant was denied treatment at the Adult Diagnostic Treatment Center (ADTC) during his criminal sentence, upholding the statutory classification of individuals to be sentenced to ADTC as valid on the basis of "[s]cholarly statistical analysis" that allowed the State to "to devote scarce resources to effectively treat the offenders who are likely to pose the greatest risk to the public if released without treatment"); *State v. Meyer*, 192 N.J. 421, 429-30 (2007) (upholding designation of defendant to drug court in part based on statistics showing "the obvious benefits of our drug court programs"). And New Jersey Courts have frequently relied upon statistical analysis to determine constitutional questions outside of the Article I, Paragraph 12 context. *See, e.g., State v. Witt*, 223 N.J. 409, 437-38, (2015) (where the Court had previously declined to revisit *State v. Pena-Flores*, 198 N.J. 6 (2009), regarding constitutionality of automobile searches, but had invited the parties and the Attorney General "to amass and develop a more thorough, statistical record over time" for a renewed challenge," *State v. Shannon*, 210 N.J. 225, 227 (2012), relying on statistical data showing dramatic increase in consent searches post *Pena-Flores* to overturn that constitutional precedent); *In re Township of Warren*, 132 N.J. 1, 15 (1993) (discussing propriety of using statistical data to compute "prospective need" for low- and moderate-income housing under *Mount Laurel* Doctrine, *S. Burlington Cty. N.A.A.C.P. v. Twp. of Mt. Laurel*, 67 N.J. 151 (1975)).

individual blameworthiness, among others. *See, e.g., State v. Loftin*, 157 N.J. 253, 324-30 (1999); *see generally id.* at 323 (“[S]tatistical results, properly used and understood, can alert us to the need for increased vigilance in our quest for impartial justice.”). This State also employed statistical analysis in its proportionality review of death sentences to determine the presence of systemic bias on the basis of race or gender, again relying on identification of like cases and using multiple regression analysis to assure proportionate sentencing. *In re Proportionality Review Project (II)*, 165 N.J. 206, 214-26 (2000).⁸

In sum, this Court should vacate the sentence imposed below for the reasons argued by Mr. Romero and remand with instructions to allow the development and consideration of parole data in aid of two findings: first, whether the possibility of parole is sufficiently realistic to afford a “meaningful opportunity to obtain release” in New Jersey; and second, the amount of “real

⁸It is particularly appropriate, in this context, to look to New Jersey’s death penalty jurisprudence because, as the United States Supreme Court has repeatedly held, the extreme sentencing of juveniles is constitutionally similar to the death penalty for adults and should be treated accordingly under the Eighth Amendment. Thus, in *Graham*, the Court described juvenile LWOP as comparable to death sentences in that both engender “a forfeiture that is irrevocable” and “mean[] denial of hope.” 560 U.S. at 69-70 (citation omitted). And in *Miller*, the Court cited the Eighth Amendment prohibition against mandatory imposition of the death sentence in striking down mandatory LWOP sentences for juveniles, stating, “if . . . death is different, children are different too.” 567 U.S. at 481 (citation and quotation marks omitted).

time" Mr. Romero is likely to serve in prison, in order to determine whether and how *Zuber, Miller, and Graham's* procedural and substantive requirements apply to his case.

CONCLUSION

For the foregoing reasons, *Amicus curiae* the American Civil Liberties Union of New Jersey respectfully request that the Court reverse and vacate the sentence below and remand for resentencing.

Respectfully submitted,

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Lawrence S. Lustberg

Dated: September 21, 2020