

No. S256149

**IN THE
SUPREME COURT
OF THE
STATE OF CALIFORNIA**

IN RE WILLIAM M. PALMER, ON HABEAS CORPUS

AFTER A DECISION BY THE COURT OF APPEAL
FIRST APPELLATE DISTRICT, DIVISION TWO
APPEAL NO. A154269

**APPLICATION TO FILE
SUPPLEMENT TO AMICUS BRIEF OF THE SENTENCING PROJECT
IN SUPPORT OF WILLIAM M. PALMER**

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Attorney for Amicus Curiae

Amicus curiae The Sentencing Project respectfully requests to file a supplemental brief limited to information that was not available in time to be included in the amicus brief. Amicus briefs are due 30 days after party briefs have been filed, but the Chief Justice may allow later filing for good cause. *See* Cal. Rule of Court, Rule 8.520(f)(2).

The supplement is limited to an update to Appendix A of The Sentencing Project's amicus brief. Appendix A lists the numbers of people serving life sentences for a kidnapping conviction as a juvenile in jurisdictions that allow or mandate a life sentence for such a conviction. When filed on April 29, 2020, Appendix A included all information that had been received by The Sentencing Project in response to public record act requests. Some jurisdictions had not yet responded to The Sentencing Project's public record act requests at that time.

Since that day, the following jurisdictions have responded to The Sentencing Project's public record act requests: California, Oklahoma, Rhode Island, Tennessee, and Wyoming. Also, the following jurisdictions sent corrections to the initial numbers that had been reported: Louisiana, Georgia, Florida, Alabama, and South Dakota. The attached update to Appendix A provides the additional information and the corrections that The Sentencing Project has received.

As the updated Appendix A shows, 160 individuals are currently serving life sentences for a kidnapping conviction as a juvenile in jurisdictions that allow or mandate a life sentence for such a conviction. California incarcerates one-third of those 160 individuals (53 people). The five states that mandate a life sentence for a

juvenile convicted of kidnapping (California, Louisiana, Utah, Georgia, and Colorado)
together incarcerate approximately 70% of those 160 individuals (110 people).

Dated: October 19, 2020 Respectfully submitted,



Attorney for Amicus Curiae
KRISTEN BELL
(SBN 302311)

Appendix A: Numbers of People in Custody Serving LWOP, LWPP, or 50+ years, with Kidnapping as a Juvenile as the Controlling Offense

Jurisdictions that mandate LWPP or 50+ years for juvenile convicted of kidnapping under circumstances similar to Mr. Palmer's	
California	53
Louisiana	2
Utah	2
Jurisdictions that mandate LWPP or 50+ years for juvenile convicted of the most aggravated type of kidnapping defined by statute, but <i>not</i> under circumstances similar to Mr. Palmer's	
Georgia	50
Colorado	3
Jurisdictions that allow, but do not mandate , LWPP or 50+ years for juvenile convicted of most aggravated type of kidnapping defined by statute	
Florida	13
Texas	10
Iowa	9
Nevada	4
Arkansas	3
Michigan	3
Alabama	2
Missouri	2
South Dakota	2
Mississippi	1
Washington	1
Alaska	0
Idaho	0
Illinois	0
Kentucky	0
Nebraska	0
New Jersey	0
Vermont	0
West Virginia	0
Oklahoma	0
Rhode Island	0
Tennessee	0
Wyoming	0
Wisconsin	0
Federal, Montana, and Virginia	No Response to Public Record Request
Total in jx that mandate or allow LWPP or 50+ years for juvenile convicted of kidnapping	160

THE SUPREME COURT IN THE STATE OF CALIFORNIA

In re

IN RE WILLIAM M. PALMER,
ON HABEAS CORPUS

) Case No.: S256149

) Court of Appeal No. A154269
) Superior Court Trial No. BA110652

**[PROPOSED] ORDER RE:
SUPPLEMENT TO AMICUS BRIEF
OF THE SENTENCING PROJECT
IN SUPPORT OF WILLIAM M.
PALMER**

GOOD CAUSE APPEARING, it is hereby ordered that amici's application to file a supplement to the amicus brief of The Sentencing Project is granted.

THE ABOVE IS ORDERED, AS INITIALED OR AS MODIFIED BY THE COURT AS SET FORTH ABOVE.

DATED:

Court

Chief Justice of the California Supreme

PROOF OF SERVICE

I, Kristen Bell, am over the age of eighteen and not a party to this action. My business address is University of Oregon School of Law, 1515 Agate Street, Eugene, OR 97403. On April 27, 2020, I served the foregoing document, **APPLICATION TO FILE SUPPLEMENT TO AMICUS BRIEF OF THE SENTENCING PROJECT IN SUPPORT OF WILLIAM M. PALMER** on the parties to this action by electronically filing via TRUEFILING or U.S. Mail:

Via True Filing: Xavier Becerra Attorney General of California Amanda Murray Office of the Attorney General, Dept of Justice 455 Golden Gate Ave, Ste. 11000 San Francisco, CA 94102-7004	Via True Filing: Megan Havstad O'Melveny & Myers LLP Two Embarcadero Center, 28th Floor San Francisco, CA 94111
Via U.S. Mail: California First Appellate Court Division Two 355 McAllister Street San Francisco, CA 94102 Case No. A14177	Via True Filing: First District Appellate Project 475 Fourteenth Street, No. 650 Oakland, CA 94612
Via True Filing: Mark Zehner Supervising Deputy District Attorney, San Diego	Via True Filing: Taylor Reeves Keker, Van Nest & Peters LLP 633 Battery Street San Francisco, CA 94111-1809
Via True Filing: Sara A. McDermott Munger, Tolles & Olson LLP 350 South Grand Avenue, 50th Floor Los Angeles, CA 90071	Via True Filing: Marisol Orihuela Miriam Gohara Jerome N. Frank Legal Services Organization Yale Law School P.O. Box 209090 New Haven, CT 06520
Via U.S. Mail: William Vogel : Amicus curiae California Institution for Men	

P.O. Box 3100 Chino, CA 91708	
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I declare that the foregoing is true and correct and that this declaration was executed on October 19, 2020.



Kristen Bell (SBN 302311)

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PALMER (WILLIAM M.) ON
H.C.**

Case Number: **S256149**

Lower Court Case Number: **A154269**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **krbell@uoregon.edu**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

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ADDITIONAL DOCUMENTS	Corrected Supplement to file

Service Recipients:

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Kristen Bell University of Oregon School of Law 302311	krbell@uoregon.edu	e-Serve	10/19/2020 11:59:15 AM
Office Office Of The Attorney General Court Added	sdag.docketing@doj.ca.gov	e-Serve	10/19/2020 11:59:15 AM
Miriam Gohara Jerome N. Frank Legal Services Organization 437966	miriam.gohara@yale.edu	e-Serve	10/19/2020 11:59:15 AM
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437966			
Mark Zahner California District Attorneys Assn 137732	mzahner@cdaa.org	e-Serve	10/19/2020 11:59:15 AM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

10/19/2020

Date

/s/Kristen Bell

Signature

Bell, Kristen (302311)

Last Name, First Name (PNum)

University of Oregon School of Law

Law Firm