

No.

23-7303

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

DEMETRIAUS BLAYLOCK - PETITIONER

PEOPLE OF THE STATE OF ILLINOIS - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF ILLINOIS

Supreme Court, U.S.
FILED

DEC 18 2023

OFFICE OF THE CLERK

1

PETITIONER FOR WRIT OF CERTIORARI

Demetriaus Blaylock
Reg. No. K58281
Western Illinois Correction Center
2500 Route 99 South
Mt. Sterling, Illinois 62353

QUESTION PRESENTED

WHETHER THE EIGHT AMENDMENT TO THE UNITED STATES CONSTITUTION'S PROHIBITION AGAINST CRUEL AND UNUSUAL PUNISHMENT REQUIRE THE PROTECTION GRANTED UNDER MILLER V. ALABAMA AND ITS PROGENY TO BE EXTENDED TO EMERGING ADULTS?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED CASES

People v. Blaylock, No. 02 CF 2206 (Cir. Ct. Winnebago Cty., Aug. 2004)
People v. Blaylock, No. 2-05-0102)(Ill.App., April 13, 2007)
People v. Blaylock, No. 105302 (Ill.Sup.Ct., Nov. 29, 2007)
People v. Blaylock, No. 02 CF 2206 (Cir.Ct. Winnebago Cty., Jan. 25, 2008)
People v. Blaylock, No. 02 CF 2206 (Cir.Ct. Winnebago Cty., Feb. 12, 2008)
People v. Blaylock, No. 2-08-1096 (Ill.App., Dec. 30, 2009)
People v. Blaylock, No. 2-08-0110 (Ill.App., Jan. 15, 2010)
People v. Blaylock, No. 109972 (Ill.App.Ct., May 26, 2010)
People v. Blaylock, No. 2-09-0845 (Ill.App., Oct. 12, 2010)
Blaylock v. Hardy, 2012 U.S. Dist. LEXIS 3658 (N.D.Ill., Jan. 12, 2012)
People v. Blaylock, No. 02 CF 2206 (Cir.Ct. Winnebago Cty., Jan 20, 2021)
People v. Blaylock, No. 2-21-0035 (Ill.App., Jan 13, 2022)

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	32
STATEMENT OF THE CASE.....	3
REASONS FOR GRANTING THE WRIT.....	9
CONCLUSION.....	13

INDEX TO APPENDICES

APPENDIX A	Decision of State Court of Appeals
APPENDIX B	Decision of State Circuit Court
APPENDIX C	Decision of State Supreme Court Denying Review

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Moore v. Texas, 137 S.Ct. 1039 (2017)	9
STATUTES	
Cal. Penal Code Sec. 3051	12
C.R.S.A. Sec. 18-2.3-407	12
Ga. Code Ann. Sec. 42-7-2	12
OTHER	
U.S. Const., Amend. VIII	9
Alexandra Cohen, et al., When Does a Juvenile Become an Adult? Implications for Law and Policy, 88 Temple Law Review 769	9
Center for Law, Brain & Behavior at Massachusetts General Hospital. White Paper on the Science of Late Adolescence: A Guide for Judges, Attorneys and Policy Makers	10
Attorneys and Policy Makers	10
Youthful Offenders in the Federal System	10
Connie Hayek, Environmental Scan of Developmentally Appropriate Criminal Criminal Justice Responses to Justice Involved Young Adults	11
Inst. of Med & Nat'l Res. Council, Investing in the Health and Well-Being of Young Adults, (Richard J. Bonnie, et al., eds., 2015)	11

Date: 12/15/2023

Western Illinois Correctional Center
Trust Fund

Time: 8:06am

d_list_inmate_trans_statement_composite

View Transactions

Page 1

Inmate: K58281 Blaylock, Demetriaus L.

Housing Unit: WIL-01-B -34

Date	Source	Transaction Type	Batch	Reference #	Description	Amount	Balance
						Beginning Balance:	137.82
04/17/23	Point of Sale	60 Commissary	1077195	1122731	Commissary	-104.83	32.99
04/24/23	Mail Room	16 GTL	114200	21507601712293	Blaylock, Eddie	-50.00	82.99
05/04/23	Point of Sale	60 Commissary	1247217	1124436	Commissary	-68.63	14.36
05/12/23	Payroll	20 Payroll Adjustment	1321208		P/R month of 4 2023	-17.00	31.36
05/12/23	Disbursements	84 Library	1323209	Chk #162520	54525, DOC: 523 Fund, Inv. Date: 05/10/2023	-.60	30.76
05/14/23	Mail Room	10 Western Union	134200	5009420602	Neal, Dasjaun	-75.00	105.76
05/23/23	Mail Room	16 GTL	143200	21561966762276	Blaylock, Eddie	-50.00	155.76
05/23/23	Point of Sale	60 Commissary	1437195	1126240	Commissary	-152.10	3.66
06/09/23	Payroll	20 Payroll Adjustment	1601208		P/R month of 5 2023	-17.00	20.66
06/15/23	Point of Sale	60 Commissary	1667196	1128187	Commissary	-20.34	.32
07/03/23	AP Correction	88 Gifts	1845122	Chk #155557 Voided	36078 - Lucresha Daye	-40.00	40.32
07/05/23	Mail Room	10 Western Union	186200	9287541528	Neal, Dasjaun	-50.00	90.32
07/07/23	Payroll	20 Payroll Adjustment	1881208		P/R month of 6 2023	-17.00	107.32
07/13/23	Point of Sale	60 Commissary	1947199	1130123	Commissary	-77.37	29.95
07/19/23	Mail Room	10 Western Union	200200	9359372752	Blaylock, Jasper	-25.00	54.95
07/24/23	Mail Room	10 Western Union	205200	8564736591	Blaylock, Jasper	-25.00	79.95
07/28/23	Mail Room	10 Western Union	209200	2040944177	Neal, Dasjaun	-35.00	114.95
08/07/23	Point of Sale	60 Commissary	2197195	1131926	Commissary	-114.62	.33
08/09/23	Payroll	20 Payroll Adjustment	2211192		P/R month of 7 2023	-17.00	17.33
08/14/23	Mail Room	16 GTL	226200	21650652673828	Blaylock, Eddie	-50.00	67.33
08/23/23	Mail Room	10 Western Union	235200	5104324422	Neal, Dasjaun	-50.00	117.33
08/29/23	Point of Sale	60 Commissary	2417217	1133776	Commissary	-89.80	27.53
08/31/23	Disbursements	80 Postage	2433192	Chk #164293	56565, Reserve Accou, Inv. Date: 08/29/2023	-.24	27.29
09/12/23	Payroll	20 Payroll Adjustment	2551192		P/R month of 8 2023	-17.00	44.29
09/18/23	Point of Sale	60 Commissary	2617195	1135477	Commissary	-42.42	1.87
09/29/23	Disbursements	81 Legal Postage	2723192	Chk #164691	57155, Reserve Accou, Inv. Date: 09/28/2023	-1.87	.00
10/10/23	Mail Room	10 Western Union	283200	3504349942	Neal, Dasjaun	-35.00	35.00
10/10/23	Payroll	20 Payroll Adjustment	2831192		P/R month of 9 2023	-17.00	52.00
10/17/23	Mail Room	10 Western Union	290200	1594971837	Blaylock, Jasper	-30.00	82.00
10/21/23	Mail Room	10 Western Union	294200	1412687531	Neal, Dasjaun	-50.00	132.00
10/23/23	Point of Sale	60 Commissary	2967195	1138836	Commissary	-131.94	.06
10/24/23	Mail Room	10 Western Union	297200	0632383766	Neal, Dasjaun	-25.00	25.06
11/07/23	Payroll	20 Payroll Adjustment	3111192		P/R month of 102023	-17.00	42.06
11/09/23	Mail Room	10 Western Union	313200	6520897592	Neal, Dasjaun	-25.00	67.06
11/09/23	Point of Sale	60 Commissary	3137195	1140621	Commissary	-57.83	9.23
11/09/23	Disbursements	84 Library	3133192	Chk #165368	57993, DOC: 523 Fund, Inv. Date: 11/08/2023	-.20	9.03
11/15/23	Disbursements	80 Postage	3193192	Chk #165429	58059, Reserve Accou, Inv. Date: 11/15/2023	-7.85	1.18
11/30/23	Disbursements	84 Library	3343209	Chk #165753	58314, DOC: 523 Fund, Inv. Date: 11/28/2023	-1.18	.00
12/01/23	Mail Room	10 Western Union	335200	7456096239	Neal, Dasjaun	-100.00	100.00
12/01/23	Mail Room	15 JPAY	335200	163594351	Joiner, Melody	-300.00	400.00
12/07/23	Point of Sale	60 Commissary	3417195	1142460	Commissary	-283.05	116.95
12/07/23	Payroll	20 Payroll Adjustment	3411192		P/R month of 112023	-17.00	133.95
12/15/23	Mail Room	10 Western Union	349200	6599653372	Blaylock, Rodriguez	-75.00	208.95

I declare under penalty of perjury that the above information is true and correct. I understand that 28 U.S.C. § 1915(e)(2)(A) states that the court shall dismiss this case at any time if the court determines that my allegation of poverty is untrue.

Date: 12/12/23

O Blaylock
Signature of Applicant

Blaylock
(Print Name)

NOTICE TO PRISONERS: In addition to the Certificate below, a prisoner must also attach a print-out from the institution(s) where he or she has been in custody during the last six months showing all receipts, expenditures and balances in the prisoner's prison or jail trust fund accounts during that period. Because the law requires information as to such accounts covering a full six months before you have filed your lawsuit, you must attach a sheet covering transactions in your own account - prepared by each institution where you have been in custody during that six-month period. As already stated, you must also have the Certificate below completed by an authorized officer at each institution.

CERTIFICATE
(Incarcerated applicants only)
(To be completed by the institution of incarceration)

I certify that the applicant named herein, Blaylock, I.D. # K58281, has the sum of \$ 208.95 on account to his/her credit at (name of institution) WICC. I further certify that the applicant has the following securities to his/her credit N/A. I further certify that during the past six months the applicant's average monthly deposit was \$ 204.33. (Add all deposits from all sources and then divide by number of months).

12-15-23

Date

J. Snyder
Signature of Authorized Officer

J. Snyder
(Print Name)

OPINIONS BELOW

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is unreported.

The opinion of the Circuit Court of Winnebago County, Illinois, appears at Appendix B to the petition and is unreported.

The date on which the highest state court decided my case was September 27, 2023. A copy of that decision appears at Appendix C.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

U.S. Const., Amend. VIII

STATEMENT OF THE CASE

On August 14, 2002, the petitioner, Demetriaus Blaylock, was charged by indictment with first degree murder. (C. 23) The indictment alleged that on August 2, 2002, the petitioner shot Michael Lindsey with a handgun, knowing such act created a strong probability of death or great bodily harm to Lindsey, and causing Lindsey's death. (C. 23)

The cause proceeded to a jury trial in August of 2004. (R. 439) The State's physical evidence and forensic testimony established that on August 2, 2002, Lindsey was shot twice and died as a result of his wounds. (R. 987-88, 1090-1117, 1177, 1193)

S.W. testified that she was playing tag with other children in a parking lot while her cousin Lindsey was fixing a car nearby. (R. 965-66) S.W. saw a man approach Lindsey and shoot him. (R. 966) She identified the petitioner as the shooter. (R. 966)

Lavetta Jones testified that she was near the shooting but did not see it and could not identify the shooter. (R. 1120-21) She was impeached with prior statements in which she separately identified two different people as the shooter, the second being the petitioner. (R. 1222, 1227)

Rockford Detective Scott Mastroianni testified that following the petitioner's arrest, he took a statement from the petitioner admitting to being the shooter. (R. 1055) The petitioner told Mastroianni that he shot Lindsey after his friends told him that Lindsey had shot at them on an earlier occasion. (R. 1052, 1055) The petitioner also told Mastroianni that he believed Lindsey has a gun, though he admitted he did not see one. (R. 1056)

The jury found the petitioner guilty of first degree murder. (R. 1367-68)

The Pre-Sentence Investigation Report (PSI) indicated that the petitioner was born on December 24, 1978, making him 23 years old at the time of the offense. (CI. 6) He had dropped out of highschool after the 11th grade. (CI.

6, 12) He had been enrolled in classes for students with learning and behavioral disabilities. (CI. 13) The petitioner reported that he had been raised by his mother and grandmother, whom he described as "loving individuals" and "supportive" of him. (CI. 12) He reported that they used corporal punishment but denied that they used it excessively. (CI. 12) He denied that any of his family members had been convicted of any criminal offenses or had substance abuse problems. (CI. 12) The PSI noted that the petitioner's father was deceased, but did not mention how or when he died. (CI. 11) The petitioner had three children of his own. (CI. 15)

The petitioner reported that he was a former member of the Vice Lords street gang. (CI. 10) He reported being employed as part of the "Massai Program" from 1992 until 1997, and at temp agencies from 1997 through 2001. (CI. 10)

The PSI reported that the petitioner had three felony convictions: possession of a controlled substance with intent to deliver in 1996; unlawful use of a weapon by a felon in 1997; and aggravated discharge of a firearm in 2000. (CI. 9-10) The last two convictions resulted in prison sentences. (CI. 9-10) The PSI noted that the State's Attorney's statement of facts for the aggravated discharge of a firearm conviction indicated that the victim of that offense was actually struck by petitioner's bullet. (CI. 10) The PSI also noted that the petitioner had two misdemeanor convictions for possession of cannabis. (CI. 9-10)

At sentencing, Ed Wells testified that he ran the Messiah Program, which provided "borderline" youth an opportunity to do maintenance work at park district facilities. (R. 1404-05) The petitioner and two of his cousins participated in the program. (R. 1405) Wells "developed a good rapport" with the petitioner. (R. 1406) He testified that the petitioner came from a "really rough situation, a chaotic household" that was "fighting poverty" and was

acc

"dead in the middle of the trail of narcotics." (R. 1407) He added that the petitioner's neighborhood was violent and that both of the cousins who had been in the program with the petitioner had been murdered. (R. 1407, 1409)

The State requested that the judge sentence the petitioner to a "sentence in the maximum range," without identifying what that range was. (R. 1419) Defense counsel indicated the applicable range was 20-to-60/years' imprisonment and requested a sentence of 20 years. (R. 1416-19) The judge did not expressly indicate the sentencing range she believed was applicable; however, after discussing facts of the case, the petitioner's upbringing and prior record, and the need to deter similar offense, she sentenced the petitioner to 45 years' imprisonment. (C. 380; R. 1426)

The petitioner filed a motion to reconsider sentence that argued that the judge's sentence was "excessive in light of the nature and circumstances of the offense and history and character of the defendant." (C. 387) The judge denied the motion. (R.1438)

The defendant filed a direct appeal, in which he argued that the judge did not conduct an adequate inquiry into certain pro se allegations of ineffectiveness of counsel. (C. 424) The appellate court affirmed the petitioner's conviction and sentence. (C. 426)

On August 9, 2007, the petitioner filed a petition for relief from judgement, which argued that the petitioner's trial counsel rendered ineffective assistance of counsel by failing to call certain witnesses. (C. 431) On November 16, 2007, the petitioner filed a post-conviction petition raising the same claim. (C. 461-62, 486) The trial judge dismissed both petitions, and the appellate court affirmed both dismissals. (C. 504, 513, 563, 572)

On May 12, 2009, the petitioner filed a motion for leave to file a successive post-conviction petition. (C. 526) That motion alleged that the petitioner's first post-conviction petition had been defective due to poor

drafting by the petitioner, and that the petitioner received ineffective assistance of counsel during his previous appeals. (C. 529, 531-34) The judge denied the motion and the appellate court affirmed. (C. 539, 585)

On January 6, 2021, the petitioner filed a second successive post-conviction petition, a motion for leave to file it, and an affidavit in support. (C. 78¹; 595, 606) The successive petition argued that the petitioner's 45-year sentence constituted a *de facto* life sentence and violated his rights under the Eighth Amendment to the United States Constitution and the proportionate penalties clause of the Illinois Constitution of 1970 (C. 608) Specifically, the petitioner argued that because he was 23 years old at the time of the offense, he was an emerging adult who was psychologically more similar to a juvenile than to a full adult: (C. 611-614) As such, the reasoning of *Miller v. Alabama*, 567 U.S. 460 (2012), and *People v. Buffer*, 2019 IL 122327, should apply to him as they do to juveniles. (C. 618-19)

The motion for leave to file the second successive post-conviction petition argued that that cause existed for filing a successive petition because the petitioner's claim was not available until the appellate court first applied *Miller* to an emerging adult in 2019. (C. 80), citing *People v. House*, 2019 IL App (1st) 110580-B. He argued that prejudice existed because the improper imposition of a *de facto* natural life sentence violated his constitutional rights. (C. 81)

The petitioner's affidavit told his life story leading up to the offense and described how the circumstances of his upbringing stunted his emotional and

¹The motion for leave to file the second successive post-conviction petition appears out of order at page 78 of the common law record. It also appears in the second supplemental common law record. (Sup2. C. 4-7)

intellectual development. (C. 595-98) It indicated that the petitioner's father left his mother when he was a baby and was murdered when he was five years old. (C. 595) The petitioner's mother's boyfriends would physically abuse the petitioner routinely, and when the petitioner was seven years old, a cousin "molested" him. (C. 595) At the age of eight, the petitioner was left with his uncle who sold drugs. (C. 596) The uncle would take the petitioner along on his deliveries. (C. 596) The petitioner was recruited by gangs when he was 12 years old, and eventually joined one. (C. 596) At 14, he joined the Messiah Program, which went well until the program was terminated. (C. 597) He witnessed his first murder at the age of 15, and, at 17, saw one of his close friends murder another close friend. (C. 597) Around that time, the petitioner started "catching cases" and served two sentences in prison. (C. 597-98) After his second sentence, he found himself unable to find work because he was a felon without any "discernable skills." (C. 598)

On January 20, 2021, a different judge than had presided over the previous proceedings issued an order denying leave to file the second successive post-conviction petition. (C. 631) The judge found that the petitioner had established cause. (C. 632) However, he found that the petitioner had not established prejudice. (C. 632) The judge noted that the petitioner's description of his childhood contradicted his statements in the PSI about his mother and grandmother. (C. 632) He found that, while some panels of the Appellate Court had extended Miller's holding to emerging adults slightly older than 18, none had extended it to a 23 year old defendant. (C. 634) The judge ruled that Miller and its progeny did not apply to the petitioner. (C. 634-45)

On appeal, the petitioner argued that his petition established cause because Miller had not yet been decided when he filed his first post-conviction petition. People v. Blaylock, No. 2-21-0035, ¶ 2. He argued that the petition

established prejudice because it raised a valid as-applied challenge to his sentence under *Miller v. Alabama*. *Blaylock*, No. 2-21-0035, ¶ 3. The appellate court held that the petition could not possibly establish prejudice because under its prior holding in *People v. Mauricio*, 2021 IL App (2d) 190619, no emerging adult over the age of 18 could raise any challenge to his sentence under *Miller*. *Blaylock*, No. 2-21-0035, ¶ 9.

On January 31, 2022, the petitioner filed a petition for leave to appeal to the Supreme Court of Illinois. That petition was denied on September 27, 2023.

This petition follows.

REASONS FOR GRANTING THE PETITION

1. National scientific consensus calls for the extension of greater protections in the criminal courts for emerging adults up to and including age 25.

This case is about the science of culpability. In *Moore v. Texas*, 137 S.Ct. 1039, 1048 (2017), which is about executing the intellectually disabled, Justice Ginsburg emphasized the superiority of scientific consensus over the discretion of the states:

In *Hall v. Florida*, [134 S.Ct. 1986 (2014)] we held that a State cannot refuse to entertain other evidence of intellectual disability when a defendant has an IQ score above 70.... Although [*Atkins v. Virginia*, 112 S.Ct. 2242 (2002)] and Hall left to the states "the task of developing appropriate ways to enforce" the restriction on executing the intellectually disabled, ... states' discretion, we cautioned, is not "unfettered[,]" Even if "the views of medical experts" do not "dictate" a court's intellectual disability determination ... the determination must be "informed by the medical community's diagnostic framework[,]" we relied on the most recent (and still current) versions of the leading diagnostic manuals - the DSM-V and AAIDD-11 Florida, we concluded, had violated the Eighth Amendment by "disregarding established medical practice." ... We further noted that Florida has parted ways with practices and trends in other states Hall indicated that being informed by the adherence to everything stated in the latest medical guide is not required. But neither does our precedent license disregard of current medical standards.

Moore v. Texas, Supra, 317 S.Ct. at 1048-49 (emphasis added)

Through the mid-to-late-aughts, the research focused on juveniles under age eighteen. By around 2010, however, research was showing that the same mental immaturity was lasting even longer. The question whether the law should reconsider cutting off its protections at age eighteen prompted the article by Alexandra Cohen, Richard Bonnie, Kim Taylor-Thompson and BJ Casey, When Does a Juvenile Become an Adult? Implications for Law and Policy, 88 Temple Law Review, 769.

The central point of that article is that then-recent discoveries in psychological science and in brain science as well as changes in society, should ask us to rethink how we view people in the late adolescent period and even to the young adult period in terms of their treatment under the law.

In 2022, a group of leading researchers published a paper through the Center for Law, Brain & Behavior at Massachusetts General Hospital putting forth a summary of the latest findings in neuroscience in relation to adolescents and young adults. As the paper explains in its executive summary, "[m]aturation of brain structure, brain function, and brain connectivity continues throughout the early twenties. This ongoing brain development has profound implications for decision-making, self-control and emotional processing." Center for Law, Brain & Behavior at Massachusetts General Hospital (2022). White Paper on the Science of Late Adolescence: A Guide for Judges, Attorneys and Policy Makers (January 27, 2022). <https://clbb.mgh.harvard.edu/white-paper-on-the-science-of-late-adolescence/>, 2. (citations omitted).

The goal of using such science in the court room "is to position each individual young defendant within a developmental trajectory comprised of biological, psychological, and social domains." Id. at 4. Hence, science-informed decision-making and evidence-based interventions can guide rehabilitation and reduce recidivism (thereby improving community safety) while avoiding or minimizing the negative impact of common responses (such as overuse of detention and incarceration) that can inadvertently compromise positive youth development and increase recidivism." Id.

2. State court systems have been trending toward allotting greater protections to justice-involved youth above the age of 17. Furthermore, the United States Sentencing Commission classifies a youthful offender as one as old as age 25.

The agency tasked with scrupulously analyzing federal sentencing nationwide is the United States Sentencing Commission (the Commission). This makes the Commission a litmus of national consensus on sentencing. In a May 2017 report by the Commission, *Youthful Offenders in the Federal System (Youthful Offenders)*, the Commission begins by defining a youthful offender as a person

"age 25 or younger at the time they are sentenced in the federal system."

Youthful Offenders at *1.

Traditionally, youthful offenders often have been defined as those under 18, but for purposes of this study, the Commission has defined youthful offenders as federal offenders 25 years old or younger at the time of sentencing. The inclusion of young adults in the definition of youthful offenders is informed by recent case law and neuroscience research in which there is growing recognition that people may not gain full reasoning skills and abilities until they reach age 25 on average.

Youthful Offenders at *5.

The Commission's report affirms recent scientific findings such as that presented mentioned above. It examines the actual sentencing of youthful offenders in the federal system between 2010 and 2015. The study found that just one-tenth of one percent of such offenders received a life sentence. This is as clear an indicia as can be found for how today's federal courts have turned away, almost entirely, from life sentences for young adults.

In 2016, a report was prepared for the Department of Justice (DOJ) "to identify those programs addressing the developmental needs of young adults involved in the criminal justice system." Connie Hayek, Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Young Adults, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, June 2016 at *1. Young adults were defined as "persons between the ages of 18 and 25 years." Id. at *2.

The report identifies a plethora of initiatives and innovations nationwide designed to protect young adults. For example, there is a Young Adult Court in San Francisco, California (begun in 2015 for age 18-25). Id. at *25.

Another study by the DOJ "focused on ages approximately 15-29....The authors conclude that 'young adult offenders age 18-24 are more similar to juveniles than to adults with respect to their offending, maturation, and life circumstances.'" Inst. of Med. & Nat'l Res. Council, Investing in the

Health and Well-Being of Young Adults, (Richard J. Bonnie, et al., eds., 2015) at *361.

States around the country have also responded to the new science and case law by enacting laws which offer greater protections over youthful offenders into their early twenties. See, e.g., Cal. Penal Code Sec. 3051(a)(1) (California) (providing for special parole hearing for offenders under 23 at time of offense); C.R.S.A. Sec. 18-2.3-407(1)(c)(2) (Colorado) (allows for transfer into youthful offender system anyone 24 years of age or younger who has been sentenced to Department of Corrections); Ga. Code Ann. Sec. 42-7-2(7) (Georgia) ("Youthful offender" means "any male offender who is at least 17 but less than 25 years of age at the time of conviction and who in the opinion of the department has potential and desire for rehabilitation").

CONCLUSION

The direction of change in this country around the issue of young adults calls for this court to reevaluate the reach of the Eighth Amendment's protection against cruel and unusual punishment and determine whether the Constitution demands greater protections under the law for this group of offenders.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


DEMETRIUS BLAYLOCK

Date: 12/18/23