

**STATE OF MICHIGAN  
IN THE SUPREME COURT  
Appeals from the Court of Appeals**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RAYMOND CURTIS CARP,

Defendant-Appellant.

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Supreme Court Docket No. 146478  
Court of Appeals Docket No. 307758  
St. Clair Circuit Docket No. 06-001700-FC

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CORTEX ROLAND DAVIS,

Defendant-Appellant.

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Supreme Court Docket No. 146819  
Court of Appeals Docket No. 314080  
Wayne Circuit Docket No. 94-002089-01-FC

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAKOTAH WOLFGANG ELIASON,

Defendant-Appellant.

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Supreme Court Docket No. 147428  
Court of Appeals Docket No. 302353  
Berrien Circuit Docket No. 10-015309-FC

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Jon R. Muth (P18138)  
Patrick M. Jaicomo (P75705)  
MILLER JOHNSON  
*Attorneys for The Students of Father Gabriel  
Richard High School, Ann Arbor, Michigan*  
250 Monroe Ave, N.W., Suite 800  
Grand Rapids, MI 49503  
(616) 831-1700

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**AMICUS CURIAE BRIEF OF THE STUDENTS OF FATHER GABRIEL RICHARD  
HIGH SCHOOL, ANN ARBOR, MICHIGAN**

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## INTRODUCTION

Miller Johnson, by Jon R. Muth and Patrick M. Jaicomo, is honored to be able to represent the Amicus Brief of 450 students (out of a total student body of approximately 530) at Father Gabriel Richard High School in Ann Arbor, Michigan. Attached as Exhibit A are the signatures of all 450 students. Our role as counsel has been only to attend to formal requirements and assure that the citations are accurate. While certain formal requirements of primary appellate briefs may be still lacking, what is significant here is the voice of the students. They bring a unique and important perspective to the question of how society and the law are to deal with juvenile offenders. Every word in this brief from the end of this sentence to the concluding valediction is theirs, with primary drafting credit to Matilyn Sarosi, a high school junior.

## STATEMENT OF INTEREST

Amici are not constitutional scholars with an expertise in the 8<sup>th</sup> Amendment. We're not psychologists who study children and their cognitive, emotional and psychological development. Amici are members of the Student Body of Father Gabriel Richard High School in Ann Arbor ("FGR"). As high school students, ages 14-18, we live and breathe the traits and characteristics laid out in the U.S. Supreme Court rulings of *Miller*, *Roper* and *Graham*. We can testify to the overwhelming impact that our environment and peer pressure have on our daily life. Moreover, our Catholic faith guides our belief in the redemptive capacity of people, especially children, and limits the vengeful response that would keep children imprisoned until death. We bring a unique perspective that no other group can bring and as participants in Michigan's future. We have an interest in assuring that our Michigan justice system is truly blind and balanced.

## ARGUMENT

I. **WE KNOW FROM EXPERIENCE THAT CHILDREN ARE IMMATURE, IMPULSIVE AND RECKLESS DECISION-MAKERS, BUT GIVE US TEN YEARS AND WE'LL CHANGE.**

A. **“WHEN I WAS A CHILD, I SPOKE AS A CHILD, I UNDERSTOOD AS A CHILD, I THOUGHT AS A CHILD: BUT WHEN I BECAME A MAN, I PUT AWAY CHILDISH THINGS.” - 1 Corinthians 13:11**

As teenagers, we feel invincible, unbreakable and sometimes, quite close to all-powerful. Reality doesn't seem quite real yet. Adulthood is a distant and dreaded fact of life and consequences to our actions are merely an afterthought. Long-term thinking and planning just aren't skills we're good at yet, so it's simple to understand why so many teenagers make such impulsive decisions that leave their parents questioning, “Why did you do that??”

It is important to understand that this isn't because we don't care, or lack all capability to be responsible, but because a mature mindset of responsibility and consideration of consequences are not innate behaviors in adolescents. It is an attitude that we must learn through triumph and tragedy, as the brutal teacher of time softens our attitudes of invincibility. Thankfully, in most aspects of our society, such immaturity is recognized and taken into account when developing laws and policies.

Our laws recognize that children are not capable of taking on adult responsibilities such as signing contracts, getting an unrestricted driver's license, marrying, fighting wars, and voting. The State logically recognizes that children aren't competent enough to make such important decisions. As teenagers, we understand and agree with such logic.

The U.S. Supreme Court has a line of cases separating out categories of persons as inherently less culpable or responsible. In *Miller v Alabama*, 567 US \_\_\_; 132 S Ct 2455 (2012), the Court reinforced its long held view that children are distinctly different from adults when it wrote:

“*Roper* and *Graham* establish that children are constitutionally different from adults for purposes of sentencing. Because juveniles have diminished culpability and greater prospects for reform, we explained, “they are less deserving of the most severe punishments.” [*Graham v Florida*, 560 US 48, 68 (2010) (citation omitted).] Those cases relied on three significant gaps between juveniles and adults. First, children have a “lack of maturity and an underdeveloped sense of responsibility,” leading to recklessness, impulsivity, and heedless risk-taking. [*Roper v Simmons*, 543 US 551, 569 (2005) (citation omitted).] Second, children “are more vulnerable . . . to negative influences and outside pressures,” including from their family and peers; they have limited “contro[l] over their own environment” and lack the ability to extricate themselves from horrific, crime-producing settings. *Ibid.* And third, a child’s character is not as “well formed” as an adult’s; his traits are “less fixed” and his actions less likely to be “evidence of irretrievabl[e] deprav[ity].” *Id.*, at 570.

. . . “We reasoned that those findings--of transient rashness, proclivity for risk, and inability to assess consequences--both lessened a child’s “moral culpability” and enhanced the prospect that, as the years go by and neurological development occurs, his “deficiencies will be reformed.”” [*Graham*, 560 at 68] (quoting *Roper*, 543 US, at 570). [*Miller*, 132 S Ct at 2464-2465.]

The student body at FGR wholeheartedly agrees with and supports such reasoning. We are capable of recognizing such vulnerability and immaturity firsthand within ourselves, and understand that collectively, as an age group, we teenagers have “some growing up to do.” It is because of these aforementioned reasons that Amici eagerly support the efforts to apply *Miller* retroactively to the 363 serving life without parole sentences they were given when they were our age.

## **B. IT IS ROCKET SCIENCE**

You don’t need science to tell you that teenagers make stupid, impulsive, and often reckless decisions. But it is tremendously helpful to tell you *why* we do. Many times *we* don’t even know why we did them! As a teenager, this brief’s author’s best guess is that it’s just a spur of the moment, spontaneous gut reaction. We think only about the positive outcomes: how

funny it would be, the reactions of our friends, how cool other people would consider us, or being able to feel like we “fit in.” Not on the forefront of our brains, however, are the negative and harmful effects, of who may get hurt, or suffer serious disciplinary action.

But understanding the “why” behind our actions and decisions is a complex process to which a multitude of researchers have dedicated considerable time and effort, because it *is* rocket science. Why do you think there has been a recent upsurge in adolescent parenting books and other teenage literature such as *Yes, Your Teen is Crazy!: Loving Your Kid Without Losing Your Mind* by Michael J. Bradley or *The Teen Brain: Still Under Construction*, by the National Institute of Health? As youth and teenagers ourselves, we are grateful to those who devoted effort and research to provide invaluable insight into the adolescent brain, and understand the connections between such research and teenage impetuosity.

In *Graham*, the Court stated that “developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds”—for example, in “parts of the brain involved in behavior control . . . .” 560 US at 68. The Court reasoned that those findings—of transient rashness, proclivity for risk, and inability to assess consequences—both lessened a child’s “moral culpability” and enhanced the prospect that, as the years go by and neurological development occurs, his “deficiencies will be reformed.” *Id.* at 68, 69 (internal quotation marks and citation omitted).

There is a plethora of research on adolescent brain development that clearly demonstrates the immaturity and impetuousness of adolescents and youth. In part due the heightened effects of stress on the adolescent brain, teenagers are more prone to impulsive and rash decision-making. The area of the brain responsible for “‘top-down’ control, controlling impulses, planning ahead—the hallmarks of adult behavior—are among the last to mature.”



National Institute of Health, *Teen Brain: Still Under Construction*, NIH Publication No. 11-4929 at 3 (2010) (found online at <<http://www.nimh.nih.gov/health/publications/the-teen-brain-still-under-construction/teen-brain.pdf>>).

This area is known as the prefrontal cortex. A living example of such typical developmental maturation is given by Michigan prisoner Damion Todd. He is serving a life sentence without parole given to him when he was a child, and reflects back on his lack of maturity, “But back then . . . I hadn’t lived on this earth long enough to understand the full impact of my decision.” Curt Guyette, *Juvenile Injustice*, Metro Times, <<http://www2.metrotimes.com/music/story.asp?id=9966>> (accessed February 10, 2014).

Science provides concrete evidence and scientific reasoning behind adolescent immaturity.

“During puberty, juveniles evince a rapid increase in reward- and sensation-seeking behavior that declines progressively throughout late adolescence and young adulthood. This effect is amplified by exposure to peers, and it corresponds with significant changes in certain elements of the brain’s “incentive processing system”—especially the parts that process rewards and social cues. By contrast, the ability to resist emotional impulses and regulate behavior develops gradually throughout adolescence, and that behavioral development corresponds with gradual development of the brain structures and systems most involved in executive function and impulse control. The disjunction between these developmental processes—which is greatest in early and middle adolescence and narrows as individuals mature into young adulthood—is consistent with the familiar features of adolescence that this Court recognized in *Roper* and *Graham*.

. . . Nor does the scientific literature provide any reason to distinguish between homicide and non-homicide convictions in this regard.” [American Psychological Association, et al., Brief of Amicus Curiae in *Miller v Alabama*, 132 S Ct 2455 (2012), at 5 (found online at <<http://eji.org/files/10-9646%20&%2010-9647%20tsac%20AmericanPsychologicalAssociation%20et%20al.pdf>>) (“*Miller* APA Brief”).]

None of this was taken into account for the 363 children of God given an automatic life without parole sentence. All of the research is congruent with the personal experiences of the students attending Father Gabriel Richard High School. Like Damion, Amici can attest to such short-term thinking and spur-of-the moment decisions. We know, live, and acknowledge this impulsiveness and rashness in our daily lives, and know it is prevalent amidst our peers. An example of such peer pressure and reckless behavior was manifested in an incident a few years ago where several 12th graders were not allowed to attend their own graduation because of rash decisions made on “Senior Day.”

Amici stand firm with the U.S. Conference of Catholic Bishops’ conviction that “. . . society must never respond to children who have committed crimes as though they are somehow equal to adults-fully formed in conscience and fully aware of their actions.” United States Conference of Catholic Bishops, *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, November 2000 (“USCCB”) (found online at <<http://www.usccb.org/issues-and-action/human-life-and-dignity/criminal-justice-restorative-justice/crime-and-criminal-justice.cfm>>). We urge the Court to recognize that it violates the 8th Amendment and every standard of decency in a civil society to hold children to the same standards of punishment as an adult.

**C. THE EFFECT OF PEER PRESSURE AND NEGATIVE EXTERNAL INFLUENCES IS GREATER ON CHILDREN THAN ADULTS**

Amici understand that, to varying degrees, adolescents are insecure, lacking confidence, and unsure of ourselves. Rather than addressing our insecurities head on, it’s much easier to cover them up, put on an act, and give into peer pressure than to be regarded as “different.” Peer pressure saturates our daily lives in such an intense and overwhelming way that can be difficult for many adults to fully understand. Peer opinion influences almost everything,

from the type of clothing we wear, to how much we study, and our interactions with adults. The influences of peer pressure and power imbalances are universal among youth; to varying degrees we are all susceptible and impacted by these factors, they are inescapable.

Indeed, many youth crimes occur within a group setting, such as a gang-related violence. One youth serving a life without parole sentence in Michigan discussed his motive, “The reasons surrounding what I am incarcerated for do not stem from an animalistic mentality of ‘kill or be killed.’ My foolish behavior arose from a tendency [toward] ‘wanting to fit in’...” Ashley Nellis, *The Lives of Juvenile Lifers: Findings from a National Survey*, The Sentencing Project, at 13 (2012) (found online at <[http://sentencingproject.org/doc/publications/jj\\_The\\_Lives\\_of\\_Juvenile\\_Lifers.pdf](http://sentencingproject.org/doc/publications/jj_The_Lives_of_Juvenile_Lifers.pdf)>).

Although we may not be regularly exposed to such destructive peer pressure, the Student Body at Father Gabriel Richard can easily testify to the overpowering peer influences that saturate our daily lives. It is this susceptibility to peer pressure coupled with our impulsiveness that can result in detrimental and destructive behavior, whether in Ann Arbor, or a more violent community. It is primarily a direct consequence of our families’ resources and stable influence that shield Amici from the profoundly negative and destructive influences so many of our less fortunate peers face each day. We can’t help but think, how would we respond if our roles were reversed? We don’t view the individuals involved in these cases as inherently evil. We believe factors in their lives like where they were raised or the stability of their family environment had a lot to do with their actions and we think to ourselves, “There but for the Grace of God go I.”

#### **D. CHILDREN ARE VULNERABLE**

Children are vulnerable. Underneath our façade of invulnerability, the fact of our own susceptibility to harm and mortality are frightening. Such vulnerability is a direct

consequence of our dependence. We are dependent on teachers, coaches, parents, and fellow peers to provide adequate care and nurturing; because we aren't adults yet, and many of us don't want to be (yet). Such dependence can lead to deep hurt and disappointment when our families break apart, our friends hurt us, or our role models fail us, if we even had one.

Children as a whole are seen as the most vulnerable group of people but incarcerated children are the most vulnerable of the vulnerable. Almost 80% reported witnessing violence in their homes and more than half witnessed weekly violence in their neighborhoods. *Nellis, supra*, at 2. 77.3% of girls reported being sexually abused and nearly half of all children sentenced to life without parole had been physically abused. *Id.* Forms of violence such as sexual or physical abuse, intimate partner violence, and daily community violence put youth at an extensive risk for serious mental and physical illness and lead them to adopt mentalities of aggression and hyper vigilance that make them prone to committing violence in the future.

#### Prolonged exposure to violence forces

[young people's] bodies and brains to adapt by becoming focused on survival. This dramatically reduces their ability to delay impulses and gratification ... Youth who are trying to protect themselves from more violence, or who do not know how to deal with the violence they have already experienced, may engage in delinquent or criminal behavior as a way to **gain a sense of control** in their chaotic lives and to cope with the emotional turmoil and barriers to security and success that violence creates." [Attorney General's National Task Force on Children Exposed to Violence, Report of December 12, 2012, at 171-172 (found online at <<http://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>>) (emphasis added).]

Additionally:

Children exposed to violence and psychological trauma also are at high risk for developing anxiety and depressive disorders; becoming socially isolated, depressed, and suicidal; and engaging in harmful behaviors — drug and alcohol abuse, self-injury, promiscuous sexual activity, and delinquency and crime, in

particular — that also increase their risk of being victimized or becoming violent themselves.” [*Id.* at 30-31.]

It is a natural human instinct to long for a sense of security and control, two important elements that are greatly lacking in the lives of these youth. Violence is a learned behavior, and one is prone to repeat it if it is frequently experienced in the home environment, because such habitual violence is subconsciously internalized and accepted by the child.

When children are exposed to violence, the convergence between real life events and their worst fears — about physical injury and loss of life, loved ones, and control of their actions and feelings — is an “experience of overwhelming and often unanticipated danger [that] triggers a traumatic disruption of biological, cognitive, social and emotional regulation . . . .” [*Id.* at 29 (citation omitted).]

Although we have not experienced the daily violence so many of our fellow teenagers live through, Amici can begin to comprehend the devastating effects such trauma inflicts, through our own personal experiences of pain, though on a much smaller scale. We firmly believe that such trauma should have been taken into account when Michigan’s children sentenced to life without parole were sentenced and *Miller* requires such mitigating factors be used in resentencing.

**E. CHILDREN ARE MALLEABLE BEINGS, CAPABLE OF GREAT CHANGE.**

*“Do not remember the sins of my youth or my transgressions; according to your steadfast love remember me, for goodness’ sake, O Lord!” - Psalm 25:7*

At FGR, the Senior Mock Elections are published in the year book, and an annual award is “Most Changed Since Freshman Year.” It catalogs the two individuals who underwent a substantial transformation; maybe from a shy, stone-silent, introverted Freshman into a loud, outgoing Senior. Nevertheless, through such a seemingly trivial award, we as adolescents recognize that children are capable of tremendous change. We are not the only ones to do so. The concept of the changeability of youth and adolescents is a widely accepted truth amidst the

psychological community. Children, by the nature of their age and evolving psychological development, are naturally more malleable and capable of transformation. “Juveniles have a greater capacity for change and reform,” *Miller* APA Brief at 19, and are less likely to have “irretrievably depraved character.” *Roper*, 543 US at 570.

*Graham* and *Miller* made clear that the transitory nature of adolescence doesn't fit with a lifetime sentence.

Deciding that “a juvenile offender forever will be a danger to society” would require “mak[ing] a judgment that [he] is incorrigible”--but “incorrigibility is inconsistent with youth.” [ *Graham*, 560 US at 73, quoting *Workman v Commonwealth*, 429 SW2d 374, 378 (Ky App 1968).] . . . [Life without parole] reflects “an irrevocable judgment about [an offender's] value and place in society,” at odds with a child's capacity for change. [ *Graham*, 560 US at 74]. [ *Miller*, 132 S Ct at 2465.]

It is illogical to give the harshest sentence, a sentence that does not allow redemption, to the ones who may have the greatest capacity for redemption itself. Our criminal justice system and correction facilities should focus on exacting proportionate punishment and restorative justice. In fact, part of the Mission Statement of the Michigan Department of Corrections is, “holding offenders accountable and **promoting their rehabilitation.**” See MDOC, *Our Mission and Vision* <[http://www.michigan.gov/corrections/0,4551,7-119-62761\\_62788-5428--,00.html](http://www.michigan.gov/corrections/0,4551,7-119-62761_62788-5428--,00.html)> (accessed February 10, 2014) (emphasis added).

Amici have experienced being “grounded.” It is a dreaded and restricting consequence that no one enjoys. Yet while we may have been threatened, none of us have been grounded for life. Although not comparable to a prison sentence, the logic behind discipline remains the same: to reprimand, penalize, and teach. There is no rehabilitative goal in keeping hundreds of people imprisoned from childhood until they die without providing them the individualized sentencing that *Miller* requires. Every day that our State ignores the decision in

*Miller* is an 8<sup>th</sup> Amendment violation. Amici believe that this fundamental purpose of our justice system should be remembered and the *Miller* ruling be applied to those children sentenced under what the Supreme Court has said is an unconstitutional rule.

**F. MILLER REQUIRES INDIVIDUALIZED SENTENCING IN LINE WITH THE 8<sup>TH</sup> AMENDMENT'S PROPORTIONAL PUNISHMENT STANDARD.**

As teenagers, we have all experienced being disciplined, reprimanded, or punished by our parents. As we have grown, the disciplinary action evolved from timeouts and simple verbal reprimands to being grounded, having hours shaved off curfew, or getting privileges taken away. And while we openly complain about the injustice of it all, Amici believe that deep down we recognize that such punishments are designed to begin to create a sense of accountability and responsibility in us, to prepare us for the “real world.” As a community of education and faith, and teenagers ourselves, however, we recognize that at each developmental step, from childhood, to adolescence, to adulthood, that discipline is regulated according to maturity and self-awareness. While an adolescent warrants greater accountability than a child, his or her accountability is not as great as a fully-formed adult.

*Miller*, *Roper* and *Graham* tell us that children cannot have the same level of culpability as adults. Additionally, we know that the Eighth Amendment’s ban on cruel and unusual punishment “guarantees individuals the right not to be subjected to excessive sanctions” *Roper*, 543 US at 560, and “[t]he concept of proportionality is central to the Eighth Amendment” *Miller*, 132 S Ct at 2463, quoting *Graham*, 560 US at 59. It is logical, then, to say that reduced culpability + proportionality of punishment = a sentence less than what is given to an adult.

The United States Supreme Court recognizes that individualized sentencing is necessary when a child is involved. The Court has understood that the “sentencer have the ability to consider the ‘mitigating qualities of youth.’” *Id.* at 2467, quoting *Johnson v Texas*, 509

US 350, 367 (1993). In *Eddings v Oklahoma*, 455 US 104 (1982), the Court held: [J]ust as the chronological age of a minor is itself a relevant mitigating factor of great weight, so must the background and mental and emotional development of a youthful defendant be duly considered” in assessing his culpability. *Miller*, 132 S Ct at 2467, quoting *Eddings*, 455 US at 116. The *Graham* and *Roper* decisions mandated such processes, making clear that “a judge or jury must have the opportunity to consider mitigating circumstances before imposing the harshest possible sentence for juveniles.” *Miller*, 132 S Ct at 2475.

The 350+ people serving a sentence that the United States Supreme Court has said is unconstitutional were children when they were convicted. None of them received an individual review before they were given a life without parole sentence nor did their “sentencer have the ability to consider the ‘mitigating qualities of youth.’” See *id.* at 2467. How is it just to continue a practice in Michigan that has been ruled unconstitutional by the U.S. Supreme Court? Our Nation’s own history gives us a striking example. As Supreme Court decisions and Civil Rights Legislation outlawed major forms of discrimination and racial segregation that led to the demise of Jim Crow laws at the state and local levels, why wouldn’t *Miller* do the same?

## **II. FAITH AND MORALITY ARE AT THE HEART OF THE 8<sup>TH</sup> AMENDMENT.**

As a Community of Catholic Faith, we are called to embrace and enact the beautiful message of justice and charity, which is the love of God and neighbor. We are called to embrace our brothers and sisters in Christ, and allow the love shown to us by Jesus Christ to transform our hearts and through our actions, the hearts of others. God’s love is not for a select few, a perfect few. It is universal -- it is for all. In the words Pope Francis, following Christ “. . . means learning to come out of ourselves . . . in order to meet others, in order to go toward the edges of existence, to take the first steps towards our brothers and sister, especially those who are farthest from us, those who are forgotten, those who need understanding, consolation and



assistance.” Pope Francis, General Audience of March 27, 2013 (found online at [http://www.vatican.va/holy\\_father/francesco/audiences/2013/documents/papa-francesco\\_20130327\\_udienza-generale\\_en.html](http://www.vatican.va/holy_father/francesco/audiences/2013/documents/papa-francesco_20130327_udienza-generale_en.html)).

Through this brief, Amici reach out to our marginalized peers who, as described above, are more likely to have been affected by violence before they committed their crime. Our Catholic faith teaches us to extend God’s Mercy to others, a Mercy which is “A loving kindness, compassion, or forbearance shown to one who offends.” Catechism of the Catholic Church, Glossary. Through Christ’s own words we are inspired to extend His Mercy to others- “Blessed are the merciful for mercy will be theirs.” Matthew 5:7. “The Church sees in these words a call to action, and she tries to practice Mercy . . . Man attains to the merciful love of God, His mercy, to the extent that he himself is inferiorly transformed in spirit of that love towards his neighbor.” Pope John Paul II, *Dives in Misericordia* (1980) (found online at [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/encyclicals/documents/hf\\_jp-ii\\_enc\\_30111980\\_dives-in-misericordia\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_30111980_dives-in-misericordia_en.html)).

As a Catholic Community, the Student Body at Father Gabriel Richard view this as a call to action—a chance to reach out to the margins, urge others to practice Mercy and to allow children the opportunity to show they can change and grow. Practicing Mercy does not mean setting these individuals free but it also does not mean immediately throwing away the key on children without giving us the chance to demonstrate our remorse and capacity for rehabilitation.

Amici are not alone in these beliefs. It gives us hope and encouragement that such efforts are supported by prominent Catholic organizations, such as the Michigan Catholic Conference and the United States Conference of Catholic Bishops. See generally, Michigan

Catholic Conference, *Restorative Justice*, <<http://www.micatholic.org/advocacy/advocacy-issues/restorative-justice/>> (accessed February 10, 2014). The drafter of this brief received an inspiring response from the Bishop of the Diocese of Lansing after writing to him. The Most Reverend Bishop Earl Boyea wrote, "I share your desire that *Miller* be broadly applied to achieve justice for youthful offenders. My prayer is that persons of good will are successful in persuading the Michigan Supreme Court that, as you say, redemption and rehabilitation are real possibilities for young offenders." Letter to Matilyn Sarosi, dated November 8, 2013. The beliefs we hold and fight for stem not only from a religious perspective, but from the genuine desire for the good of society, as we are its future.

The Bible tells us "You shall do not injustice in judgment, you shall not be partial to the poor, or defer to the great, but in righteousness you shall judge your neighbor." Leviticus 19:15. The *Miller* ruling should be applied to all; if we fail to do so, then we fail to uphold the principles of fairness and equality. If mandatory life sentence for children is ruled unconstitutional, and thereby wrong and illegal, hasn't it always been unconstitutional, always wrong?

**A. VENGEANCE HAS NO PLACE IN OUR JUSTICE SYSTEM**

*"Beloved, never avenge yourselves, but leave it to the wrath of God . . ."*  
- Romans 12:19

As insurmountable as it may seem, our Faith teaches us to reject vengeance and accept the seemingly radical ideals of forgiveness and love. In Luke, we are told, "But I say to you who hear, Love your enemies, do good to those who hate you" Luke 6:27. From the mouth of the very man who personally visited and forgave the person who shot him, Blessed Pope John Paul II said, "Forgiveness is above all a personal choice, a decision of the heart to go against the natural instinct to pay back evil with evil." Pope John Paul II, *No Peace without Justice, No*

*Justice without Forgiveness* (2002), (found online at [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/messages/peace/documents/hf\\_jp-ii\\_mes\\_20011211\\_xxxv-world-day-for-peace\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_20011211_xxxv-world-day-for-peace_en.html)).

The pain of losing a loved one in such a violent and destructive way is an unimaginable burden. Few among us can pretend to understand the depths of such heartache, because we do not carry such heavy burdens. Vengeance is a human response, especially to such acts of injustice, yet our justice system cannot be based upon gut reactions and vengeance. The feelings of bitterness and anger are universal, and we may demand, “an eye for an eye!” Yet, as Mahatma Ghandi so eloquently stated, “An eye for an eye would make the whole world blind.” We are all called to something higher, to embrace the principles of love that leads to reconciliation. “Our Faith calls us to hold people accountable, to forgive, and to heal.” USCCB, *supra*. “Be on your guard! If your brother sins, rebuke him; and if he repents, forgive him.” Luke 17:3. The absence of vengeance is not a sign of weakness, but of strength and love.

We can see a very personal example of such healing and reconciliation in a recent story in the Detroit Free Press. A father whose 21 year old son was killed by a 14 year old child wrote, “We felt that our son’s killer was as much a victim of his environmental conditions as was our son, and we believe in the human capacity for transformation... Our family does not believe in “an eye-for-an-eye.” Such a doctrine is against every decent moral and humane doctrine. It is inhumane to expect or desire our son’s killer to give his life as retribution for our son’s death.” Ronald Sampson, Letter to the Editor, Detroit Free Press, January 5, 2014 <http://www.freep.com/article/20140105/OPINION04/301050044/DFP-feedback-general-letter-0105> (accessed February 10, 2014).

As natural as the human desire for vengeance is, our nation does not and should not have a justice system based upon it. Our society cannot mask vengeance behind a “tough on crime” justification for giving, and worse, *maintaining* the harshest sentence available to a group of people who are by definition less culpable.

“*Roper* and *Graham* emphasized that the distinctive attributes of youth diminish the penological justifications for imposing the harshest sentences on juvenile offenders, even when they commit terrible crimes.” *Miller*, 132 S Ct at 2458. Because “[t]he heart of the retribution rationale” relates to an offender’s blameworthiness, “the case for retribution is not as strong with a minor as with an adult.” *Graham*, 560 US, at 71, quoting *Tison v Arizona*, 481 US 137, 149 (1987); *Roper*, 543 US at 571. Nor can deterrence do the work in this context, because “the same characteristics that render juveniles less culpable than adults’--their immaturity, recklessness, and impetuosity--make them less likely to consider potential punishment.” *Miller*, 132 S Ct at 2465 (citations omitted).

If a civil society decides that actions by the government were in violation of the 8<sup>th</sup> Amendment and is an excessive sanction, then the government must stop that action. In this case, the State of Michigan is violating the 8<sup>th</sup> Amendment by holding the 350+ individuals sentenced as children without giving them an individualized sentencing required by *Miller*. As children of faith, Amici believe such measures are cruel and unusual, and even vengeful, punishment.

**B. TO REDEEM MEANS: “TO BUY BACK”; “TO CHANGE FOR THE BETTER”; “TO REPAIR, RESTORE.” - Merriam Webster**

As Catholics and Christians, Amici believe all persons should have the opportunity to make right their wrong. All should be afforded the means to better themselves and as a society it is even our duty to assist the individual who may be disadvantaged or have

suffered hardship in helping them achieve this betterment. Our belief extends to the person an opportunity to repentance and redemption. To seek redemption, the first step is always repentance, to be truly sorry for what one has done.

Our Lord, in Ezekiel 18:21-23, offers such hopeful words to all of us who sin, who make mistakes:

But if a wicked person turns away from all his sins that he has committed and keeps all my statutes and does what is just and right, he shall surely live; he shall not die. None of the transgressions that he has committed shall be remembered against him; for the righteousness that he has done he shall live. Have I any pleasure in the death of the wicked, declares the Lord God, and not rather that he should turn from his way and live?

As members of the Student Body at Father Gabriel Richard, we are currently at the age the individuals in the cases before the Court were upon receiving their sentence to die in prison. We believe all persons have the potential capacity to be sorry for their sins, work to repair their wrongs, restore their worth as a member of society, to be rehabilitated and reintegrated into society. Fundamental to our beliefs as Christians is that all of us have a right and the promise to be redeemed.

In Faith we know that our Lord Jesus Christ died to redeem us all. His death was ransom offered for all. He is our redeemer but we must first seek and desire to be redeemed. Jesus explains the meaning of his life and death in Matthew's Gospel, "the Son of Man did not come to be served but to serve and to give his life as a ransom for many." Matthew 20:28. We desire all our fellow-persons to be saved.

It is only through this Court that our justice system can be made whole by ending the 8<sup>th</sup> Amendment violations and allowing these children of God a real chance at individualized sentencing.

CONCLUSION

We hope and trust that this unique perspective and compelling voice will be of benefit to the Court.

Respectfully submitted,

MILLER JOHNSON  
ATTORNEYS FOR THE STUDENTS OF  
FATHER GABRIEL RICHARD HIGH SCHOOL, ANN  
ARBOR, MICHIGAN

Dated: February 14, 2014

By



Jon R. Muth (P18138)

Patrick M. Jaicomo (P75705)

Business Address:

250 Monroe Avenue NW, Suite 800

Grand Rapids, Michigan 49503

Telephone: (616) 831-1700

# EXHIBIT A

# Amicus Brief Signature Sheet

## Print Name

1. Dylan Drummond
2. Maddie Cupchak
3. Mia Dahn
4. Caroline Leger
5. Joey Meyer
6. Joe Chavez
7. Leanna Fronckowiak
8. Collette Zak
9. Caitlin Miranda
10. Rachel Tishkoff
11. Claire Vogel
12. Eric Thrun
13. Nick Druan
14. Alex Cipinski
15. Maria Kelly
16. Jared Ring
17. Ben Kerdzick
18. Katie Eggenberger
19. Luis Bracci Lombardi
20. Jessica Wong

## Signature

1. ~~John Forward~~
2. ~~Maddie Cupchak~~
3. Mia Dahn
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5. Joey Meyer
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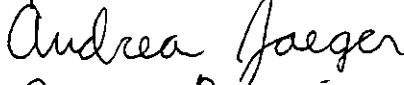
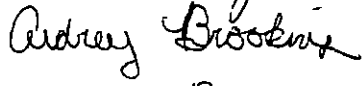
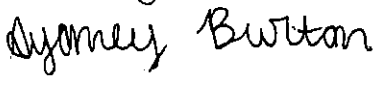

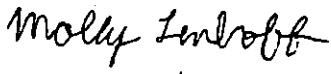
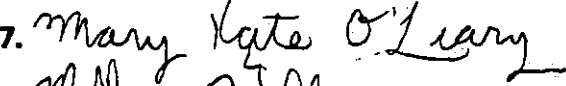

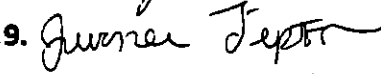

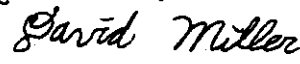
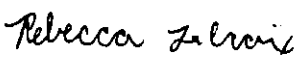

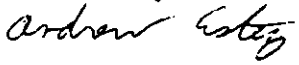
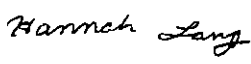

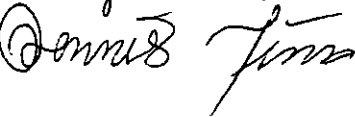
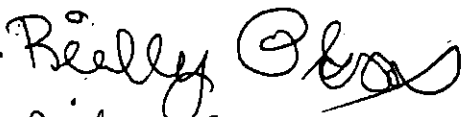



# Amicus Brief Signature Sheet

## Print Name

1. Josh Labbe
2. Andrea Jaeger
3. Audrey Brookins
4. Sydney Burton
5. Asia Woods
6. Molly Imhoff
7. Mary Kate O'Leary
8. Mallory Williams
9. Jurnee Tipton
10. Jessica Jara
11. David Miller
12. Rebecca Lacroix
13. Cassidy Schumacher
14. Andrew Estey
15. ~~Hannah~~ Hannah Lang
16. Megan Frush
17. Dennis Finn
18. Henry Hebeda
19. Reilly Olson
20. Emily Eaton

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# Amicus Brief Signature Sheet

## Print Name

1. Rachel Dunlavy
2. RACHEL DRABICKI
3. Julia Betzig
4. Olivia Bastian
5. Hannah Grobbel
6. Brooke Smith
7. Jack Carvill
8. Michael DiFranco
9. Mary Kathryn McNally
10. Ben Swastek
11. Sarah Ferris
12. Gabriella Mucci
13. ~~Elizabeth Boydan~~ Elizabeth Boydan
14. ~~Margaret~~ Margaret Larin
15. Malia Overstreet
16. Hannah Kargul
17. Andrew Budd
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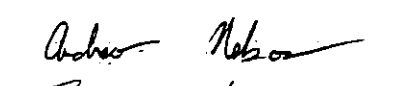
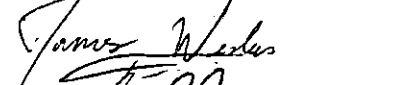


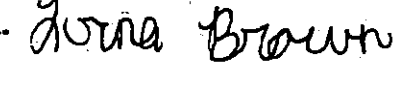

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## Print Name

1. Joseph Stolarski
2. Daniel Kluck
3. Joshua Panczyk
4. Layeth Swedeen
5. Thor Gail
6. Gabe Schwab
7. Andrew Nelson
8. James Wesley
9. Jewellor
10. Matthew Jara
11. Lorna Brown
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1. Sheridan Sims
2. Sarah Szuba
3. Conor McElroy
4. Sage Harburg
5. Samantha Marsh
6. Rachel Kukalis
7. Wey Bratton
8. Elizabeth Frederickz
9. Abby Romain
10. Dennis Clark
11. William Kawsly
12. Patrick Patton
13. Steven Ramos
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6. Mark Middleton
7. Will Overland
8. Thomas Holowicki
9. Bryce Messmann
10. ~~Jacob Kelly~~  
Jacob Kelly
11. Maggie White
12. Garrett Nagy
13. Pheian Wolf
14. Mary Benz
15. Sam. Vivaacqua
16. James Massey
17. Mason Pryor
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1. Kellen Gore
2. Alexa Deutschmann
3. Veronica Zak
4. MZL
5. Lana Van Til
6. Kayla Valente
7. Nicole Blum
8. Analee Morison
9. Kenneth Kowalski
10. Michael Wolf
11. Emily Tanski
12. Sam Ziolkowski
13. Danny Bowden
14. Mitch Gage
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16. Alana Schoenle
17. Monica Wegienka
18. Kiley Frawel
19. Rachel DeMarco
20. Carmen Solano

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Carmen Solano

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2. Scott Granotto
3. Brian Lally
4. Olivia Leoni
5. James Gibbons
6. Mikayla Kenny
7. Jesse Fannon
8. Nicole Deford
9. Sarah Repovz
10. Bailey Morlock
11. Olivia Fanning
12. Melissa Smith
13. Garrett OR
14. Jess Miller
15. Tom Sorenson
16. Michael Cummings
17. Alex Dennis
18. Julia Mucci
19. Nick Kempatrik
20. Brian Victor

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## Print Name

1. Erin Haseem
2. Sarah Brooks
3. ANTHONY <sup>Valentini</sup>
4. Maddie Griffith
5. COB
6. Spencer Wack
7. Colin McNally
8. Sabrina Kouza
9. Mackenzie Tulloch
10. Kathleen Reidy
11. Lauren McGovern
12. Amanda Fischer
13. Catherine Fiebig
14. Sophia Roth
15. Kathleen Kelly
16. Tom Stachowski
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3. Anthony Valentini
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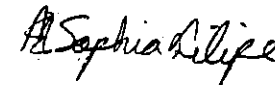
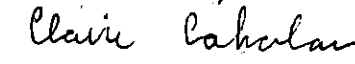
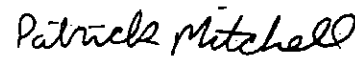
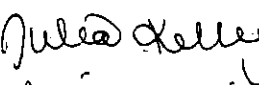

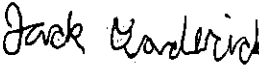



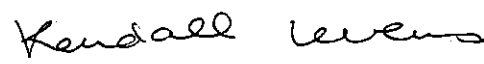
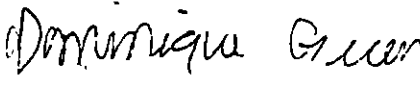


# Amicus Brief Signature Sheet

## Print Name

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2. Sophia Lilipe
3. Claire Cahalan
4. Patrick Mitchell
5. Julia Kelly
6. Christan Cleary
7. Jack Ganderick
8. Jeffrey Brown
9. Matthew Westemeier
10. ~~Cody G~~ (Cody Gibbons)
11. Kendall Levens
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# Amicus Brief Signature Sheet

## Print Name

1. Dominic McCarthy
2. ~~Andy Peters~~ Andy Peters
3. Brendan Driscoll
4. Peter Stump
5. Nick Donofrio
6. Rachel Dziuba
7. Daniel Mukkala
8. Jacob Hettel
9. Ashley Gibbons
10. Ally Humitz
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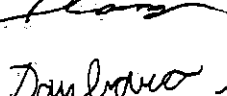
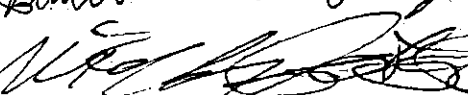
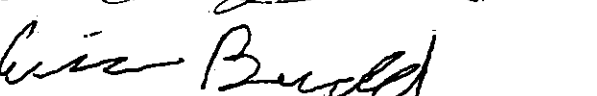


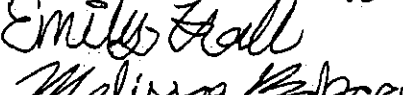
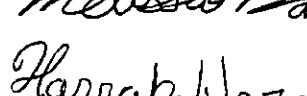
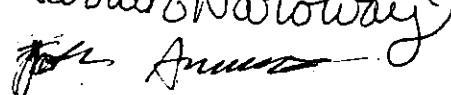
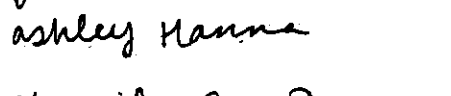
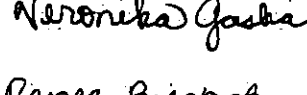
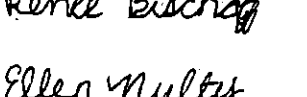



1. D. McCarthy
2. Andy Peters
3. Brendan Driscoll
4. ~~Peter Stump~~
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8. Jacob Hettel
9. Ashley Gibbons
10. Ally Humitz
11. Elizabeth Somerville
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# Amicus Brief Signature Sheet

## Print Name

1. Katherine Wolf
2. Juliette Collins
3. Samantha Tanki
4. Benjamin Gilson
5. Barbara Garber
6. Nick Sotolongo
7. Eric Budd
8. Alex Opitck
9. Drew Diebold
10. Emily Hall
11. Melissa Babcock
12. Hannah Waroway
13. John Arsenault
14. Ashley Hanna
15. Veronika Gaska
16. Renee Bischoff
17. Ellen Nulty
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## Signature

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## Print Name

1. Olivia Marcarelli
2. Maddie Griffith
3. Julianne Duncan
4. Sophia Haase
5. ~~Wally You~~ Wally You
6. Ashling Magolan
7. Mary Bierley
8. Emily Sartorius
9. Laura Galloway
10. Dillon Stevenson
11. Andrea Bodary
12. Erin Sartorius
13. Jack Campbell
14. Caleb Smith
15. Angela Meyer
16. Casey Simon
17. Steven Timm
18. Stephen Mitchell
19. Jessica Cook
20. Kaita Wiktor

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18. Stephen Mitchell
19. Jessica Cook
20. Kaita Wiktor

# Amicus Brief Signature Sheet

## Print Name

1. Gabrielle Okoniewski
2. Lindsay Rhodes
3. Maddy Szuba
4. Alex Costler
5. Brendan Brosnan
6. Therese Berg
7. Catherine Valdes
8. Rachel Gilman
9. Luyhi
10. Ryan Wagner
11. Eric Baron
12. Phillip Decker
13. Chris Kuzel
14. Sarah Bloem
15. Erik Moylan
16. James-Timothy Kinard
17. Mike Bidigare
18. Nicholas Hawk
19. Jacob Dornblom
20. Gillian Boston

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3. Kurt Deutschmann
4. Michael J. Forrest
5. Nicholas A. Stumphauer
6. Jacob Sauter
7. Kevin Livingstone
8. Benjamin Bratton
9. James Bonar
10. Nathan Ozog
11. Ellen Magee
12. Antonio Ciarelli
13. Kevin Williams
14. Drake Walters
15. Jack Stinack
16. Matt Russ
17. Nicholas Melonky
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19. Nolan Swalmey
20. Jocelynn Inge

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1. Anne Roelant
2. Emma Tarjeff
3. Sarah Ottoboni
4. Elena C. Galano
5. NATE FINK
6. Fayven Teklehaimanot
7. Kevin Masini
8. Evan Fosha
9. Mitchell Murray
10. Ryan Johnson
11. John Kukalis Jr.
12. Jonathan Rauhana
13. Austin Volk
14. Jonathan Barroso
15. Joseph Schoenle
16. Luke Simon
17. Julia Salloun
18. Marissa Barman
19. Johnny Your
20. Johann Stepanick

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2. Lucas Stehr
3. Sawyer Seide
4. Matthew Kluck
5. Kelly Barletta
6. Matt Karls
7. Dan White
8. Zach Smith
9. Maggie Puzi
10. Caroune Campbell
11. Kyle Baron
12. Hannah Boomer
13. Alexa Snyder
14. Mary Grace Dunleavy
15. Ryan Barow
16. Kyle Gesell
17. Erica Hammer
18. Anna Scharrer
19. Jordan Zavel
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3. Brittany Layden
4. Ava Marcarelli
5. Mary Donahue
6. Rebecca Kukalis
7. Jennifer W.
8. Natalie Hall
9. Patricia Heinsstra
10. Ryan MacDonald
11. Lauren Yurko
12. Flori Olson
13. emma nowak
14. Amanda Beatty
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19. Chris Wojay
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2. Andrew Blower
3. Will Libs
4. Mary Clare Owdziej
5. Michael White
6. Keenan O'Dea
7. Steven Siskel
8. Brian Musch
9. Kwami Adoboo-Herrera
10. Audrey Towler
11. Matthew Johnson
12. Kevin Day
13. Joey Fitzgerald
14. Ava Roth
15. John Tansen
16. JESSICA GROGAN
17. Kathleen Giummarro
18. Susan Erickson
19. Kayla Conmy
20. Jacob Russell

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## Print Name

1. ~~Asimwe Najjuma~~
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3. Sarah Clark
4. Nicole Henderson
5. Sophia Sindo
6. Lauren Hubon
7. Danielle Musch
8. Garrett Graves
9. Isabel Stmach
10. Colleen O'Leary
11. Max Wegienka
12. Sololeya Teklehaimanot
13. Patrick Flaherty
14. Shelby Scavo
15. Brendan Magolan
16. Marissa Nelson
17. Erin Raftery
18. Sydney Nissan
19. Kyle Tokarz
20. Tommy Ramos

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1. Anna Ligeski
2. ANNA VALINE
3. Collin Coon
4. Nick Laten
5. Veronica Coona
6. Sofia Agudelo
7. Jacob Grady
8. Sara Fronckowiak
9. PAYTON OLANACH
10. Paige Tynan
11. Bryce Smith
12. Kaitlyn Conway
13. Byrdie Magard
14. Lauren Landen
15. CHLOE KIRKPATRICK
16. Allison Marsh
17. Grace Glasgow
18. Michael Fink
19. Avery Bradley
20. Danny Smith

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14. Lauren Landen
15. Chloe Kirkpatrick
16. Allison Marsh
17. Am Grady
18. MF
19. Avery R Bradley
20. Danny Smith

# Amicus Brief Signature Sheet

## Print Name

1. Robert MacLellan
2. Kaitlyn DePriest
3. Elizabeth Kenny
4. Daniel La Croix
5. Carolyn Kitz
6. Emily Stumpo
7. Maclain Canfield
8. Kevin Aufreisel
9. Ryan Ball
10. Cameron Wagoner
11. Grace Stier
12. Elizabeth Stratton
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1. Alexander Schumacher
2. Joshua Kerdzichy
3. Dennis Nade
4. Austin Kasi
5. Fiael Galano
6. Kiefer Degener
7. John Benz
8. Erin Kokoszka
9. Marisa Finch
10. Teresa Pauze
11. Lindsey Aranguren
12. Chloe Knatz
13. Lilgepp 3
14. Matheus Morozowski
15. Gabriel Laurence
16. Mike McGint
17. Mark Hais
18. Abigail Mackinnon
19. Julia Doyle
20. Gabriela Grimaldi

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20. Gabriela Grimaldi

# Amicus Brief Signature Sheet

## Print Name

1. Kate Good
2. Emily Messiter
3. ~~Emily Scott~~ Emily Sullivan
4. Emily Gross
5. TORI KIERS
6. Kateri Lelli
7. Madelyn Ghesquiere
8. Andri Hill
9. Claire Lindsey
10. Matilyn Sansi
11. Jeremy D'Silva
12. Daniel Yurko
13. Jesus Amado
14. Bryce McDonald
15. Megan Hammond
16. Gabrielle Boston
17. Maria Scharrer
18. Tymi Staub
19. Samantha Lanzetta
20. Anne Weitzel

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6. Kateri Lelli
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10. Matilyn Sansi
11. Jeremy D'Silva
12. Jesus Amado
13. Ryan [Signature]
- 14.
- 15.
16. Gabrielle Boston
17. Maria Scharrer
18. Tymi Staub
19. Samantha Lanzetta
20. Anne Weitzel

# Amicus Brief Signature Sheet

## Print Name

1. MORGAN LAYNE
2. SARAH LIPSCOMB
- 3.
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## Signature

1. Morgan Layne
2. Sarah Lipscomb
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## Print Name

1. Maura Donnelly
2. Kathryn Yousif
3. Christopher Mc Lane
4. Kirk Miller
5. Andy Bischoff
6. Casey Chesquiere
7. David Hebda
8. Maria Sapienza
9. Lauren Rhodes
10. Claire Purdy
11. Brendan Fredericks
12. Mary Jenkins
13. Tom O'Hanion
14. Vicente Amado
15. Peter Wilson
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