

STATE OF MICHIGAN
IN THE SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN
Plaintiff-Appellee,
v.

SC:160034
COA:345268

ROBIN RICK MANNING,
Defendant-Appellant.



BRIEF AMICUS CURIAE

This brief was fashioned and submitted without the assistance of an attorney.

Amici, Terrance Taylor is a prisoner confined at Saginaw Correctional Facility. He submits that this brief will assist the court in it's determination as to: (1) whether the defendant's successive motion for relief from judgment is "based on a retroactive change in law", MCR 6.502 (G)(2), where the law relied upon does not automatically entitle him to relief; and (2) if so, whether the United States Supreme Court in Miller v. Alabama, 567 US 460 (2012), and Montgomery v. Louisiana, 136 S Ct 718 (2016), should be applied to 18 year old defendants convicted of murder and sentenced to mandatory life without the possibility of parole, under the Eighth Amendment to the United States Constitution or Const 1963, art 1, & 16, or both.

Amici contends that defendant Manning's successive relief from judgment motion is based on a retroactive change in the law. MCR 6.502 (G)(2). See Montgomery v. Louisiana which held that Miller v. Alabama establishes a new substantive rule that applies retroactively on collateral review.

The plaintiff likely will agree that Miller does apply retroactively. But will however argue that Miller does not apply to the defendant because Miller had drawn the line at 18 years old. Miller actually held that "The Eighth Amendment forbids a sentencing scheme that mandates life in prison without the possibility of parole for juvenile offenders". Nothing in Miller states or suggests that courts are prevented from finding that the Eighth Amendment prohibits mandatory life without parole for those 18 years old. Therefore, it is up to this court to make it's own determination as to who is considered a juvenile.

In Cruz v. United States, 2018 U.S. Dist. Lexis 52924 the court extended Miller to the defendant who was 18 years old during the time of the offense. The court relied heavily on the testimony of Professor Laurence Steinberg. Whose prior research in adolescent brain development led the Miller court to rule it unconstitutional to sentence those 17 and younger to mandatory life.

In Cruz, Steinberg testified that there was no difference in brain development between a 17 year old and an 18 year old. Both lack maturity and have an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking. Eighteen year olds are susceptible to outside influences and peer pressure. They are more like younger adolescence than adults. Steinberg further testified that people in late adolescence are, like 17 year olds, more capable of change than adults.

Proof that an 18 year old is capable of change can be found in the life of this amici. Taylor was born in a rough neighborhood of Detroit Michigan. As a youth he would sometimes use violence as a way to obtain respect and as a way to protect himself. Violence was a tool for him to obtain peace in some ways.

When Taylor was 18 years old he was involved in an incident where he felt he was being wrongfully targeted and treated unfairly. The correct way to handle the situation was through the court system. However, his judgment was clouded due to impulsivity. Which led him to take matters into his own hands. He choose violence as a means to attain peace. Consequentially, his actions led to him being convicted of murder and 2 counts of assault with intent to commit murder.

Taylor has been incarcerated going on 20 years and is a different person than he was at 18. He is no longer impulsive, and no longer uses violence as a means to achieve desired results. He is a model prisoner who has now been misconduct free for 12 years. And currently involved in several programs which give back to the community. For 3 years he has been a dog handler, training dogs for the "Paws with a Cause" non-profit. The dogs are trained to assist those with disabilities.

Secondly, he voluntarily works in the prison garden which donates produce to local foodbanks. Thirdly, he is involved in the prisons crocheting program. Which donates hats, gloves, and blankets to needy families. Taylor is also a "Prisoner Observation Aide". A job which requires him to work closely with staff (correction officers, psychologist, etc.) As such his job is to monitor prisoners who are on suicide watch, and to immediately notify staff if the prisoner attempts to harm himself.

Lastly, Taylor has maintained a work detail since his incarceration. Been involved in numerous programs such as "Cage Your Rage", "Ethics Behind Bars", and "Cognitive Thinking" to name a few. He has taken advantage of many opportunities for self improvement, as well as opportunities to participate in services greater than himself. Clearly, Taylor is not the same person he was at 18 years old. The trajectory of his life is evidence that 18 year olds are capable of change.

Respectfully Submitted,

Terrance Taylor

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