

CCDLA  
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FOUNDED IN 1988

Connecticut Criminal Defense  
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November 29, 2012

Hon. Joseph M. Shortall, Chair  
Connecticut Sentencing Commission  
Legislative Office Building, Room 2C  
300 Capital Avenue  
Hartford, CT 06106

Re: Juvenile Sentence Reconsideration Proposal

Dear Judge Shortall and commission members:

CCDLA is a not-for-profit organization of approximately three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA supports the Commission's draft bill intended to provide a "meaningful opportunity" for children sentenced as adults for serious offenses to obtain release on parole after serving a portion of their sentence.

Scientific and social studies demonstrate that the teenage brain is not fully developed. It is immature, and by nature more susceptible to impulsivity and impassioned behavior than an adult brain.<sup>1</sup> Society's imposition of various restrictions on young people, such as voting, driving, and drinking ages, demonstrates that we do not recognize teenagers and young people under a certain age, as having sufficient judgment or control to take on these responsibilities. While the teenage brain is developing, it presents the remarkable ability to change and mature. Requiring a person to serve the majority of a lengthy sentence or a lifelong sentence based on a snapshot of who they were as a teenager, ignores the probability that they will change significantly as they reach adulthood.

The members of CCDLA have represented countless young people charged with serious felony offenses, some with the most serious. We do not always have the opportunity to see how they all turn out, whether they receive lengthy sentences or not, but we do know where many of

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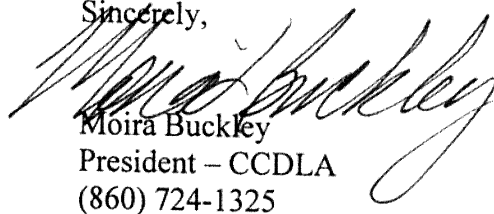
<sup>1</sup> Luna, Beatriz, *The Relevance of Immaturities in the Juvenile Brain to Culpability and Rehabilitation*, HASTINGS LAW JOURNAL [Vol. 63:1469].

these young people started. The majority of young people who I have represented who were convicted of serious felony offenses and are serving lengthy sentences, did not have a chance to begin with. Born into families where their mothers were children themselves, or where the family unit was decimated by addiction and crime, these children never learned another way of life. We, as a society, cast them out because of the gravity of their offenses, but we have failed to look at the whole picture.

Accountability for a child has to be different from accountability as an adult. Our laws protecting children bear this out. The age of consent for sexual intercourse in Connecticut is 16, yet somehow we think a 14 year old is culpable and mature enough to receive a life sentence. If we believe that children are not able to make reasoned and responsible judgments related to their bodies, driving, voting, and drinking, before attaining the ages of 16, 18 and 21, respectively, how can we assume that their judgment and culpability are comparable to those of an adult when they commit a crime?

The proposed bill gives these young people another chance at life. To live as mature, responsible, and productive members of society after demonstrating that they can do so without violating the law.

Sincerely,

A handwritten signature in cursive script, appearing to read "Moira Buckley".

Moira Buckley  
President – CCDLA  
(860) 724-1325