FOR IMMEDIATE RELEASE:
February 11, 2018

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Judge Who Sentenced Juvenile Bobby Bostic to 241 Years in Prison Asks U.S. Supreme Court to Intervene

“At the time that I sentenced Bobby Bostic, the laws were different: it was constitutional to execute a juvenile. When I sentenced Bobby there had been no studies on how the brain developed. We simply did not know then what we know now about juveniles.” - J. Baker, Sentencing Judge, State v. Bostic

Retired Judge Evelyn Baker added her name to the list of 26 former judges, prosecutors and law enforcement officials asking the Supreme Court of the United States to consider Bobby Bostic’s petition for certiorari. Mr. Bostic was sentenced to die in prison for his role as an accomplice in robberies committed one night when he was 16 years old.

The ACLU has asked the Supreme Court to reverse the decision of the Missouri Supreme Court, which upheld Mr. Bostic’s sentence.

Judge Baker, who spent twenty-five years as a St. Louis Circuit Court Judge, joined the esteemed group of amici curiae in support of Mr. Bostic. The group includes two former United States Solicitors General, a former Chief Justice of the Missouri Supreme Court, and two state Attorneys General.

Of Judge Baker’s decision to join the amici, Phillips Black Principal Attorney Jennifer Merrigan, who represents the amici, said, “We are pleased that Judge Baker has decided to add her voice to the chorus of actors from all parts of the criminal justice system who recognize that the kind of sentence Mr. Bostic received has no legitimate role to play.”

For Bobby Bostic’s nonhomicide offenses, the judge imposed back-to-back sentences of 241 years. Mr. Bostic will not be parole eligible until he is 112 years old. In issuing the sentence, the judge made it clear that Mr. Bostic would “die in the department of corrections” because “nobody in this room is going to be alive” when he becomes eligible for parole.

Judge Baker joins the amici curiae in asking that the Supreme Court apply its decision in Graham v. Florida to Mr. Bostic’s case. Graham held that sentences of life without possibility of parole for juvenile, nonhomicide offenders violate the Eighth Amendment. States must provide a “meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.” Id. at 75.
The vast majority of states that have addressed the issue have held that *Graham* and *Miller v. Alabama* apply to back-to-back sentences that exceed a young offender’s lifespan. Missouri has recently joined the small minority of states that refuses to apply *Graham* or *Miller* to cases like these, reasoning that *Graham* prohibits sentences formally labeled “life without parole” imposed for a single offense, not a sentence imposed for multiple offenses that adds up to life.

Judge Baker argues Missouri’s interpretation is unfair. “We need to look at the totality of the sentence, not the title. I told him when I sentenced him that he was going to spend his life in the Missouri Department of Corrections. So, it was a life sentence. In fact, it was life-plus.”

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Read the letter and brief of *amicis curiae* here: phillipsblack.org/bostic-v-pash

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