

PRESS RELEASE

Wiley Rein Represents “Juvenile Lifers” in Challenging Constitutionality of Maryland Statute That Grants Governor Boundless Discretion in Parole Decisions

June 28, 2018

Press Contact

Patricia O’Connell
T: 202.719.4532
poconnell@wiley.law

Washington, DC—Wiley Rein—along with co-counsel the American Civil Liberties Union of Maryland (ACLU-MD) and Shapiro, Lifschitz & Schram—has challenged the constitutionality of a Maryland statute that gives the state’s governor exclusive authority and unconstrained discretion to decide whether to grant parole to prisoners serving life sentences for crimes they committed as juveniles. In a motion for partial judgment on the pleadings and for an injunction filed today on behalf of the plaintiffs, Wiley Rein and co-counsel urged a federal court to 1) declare unconstitutional the Maryland statute making parole decisions for juvenile lifers subject to the Governor’s approval and 2) permanently to block the Governor’s role in the state’s current system for deciding parole for juvenile lifers.

Wiley Rein represents inmates Calvin McNeill, Nathaniel Foster, and Kenneth Tucker, as well as the Maryland Restorative Justice Initiative (MRJI), on a pro bono basis in *MRJI v. Hogan*. In today’s filing, the plaintiffs asked the U.S. District Court for the District of Maryland to issue a permanent injunction blocking enforcement of the statute that provides the governor with full, unreviewable power to grant or deny parole. The plaintiffs argued that, under the statute, Maryland’s system amounts to an unconstitutional scheme of executive clemency

Related Professionals

Mary E. Borja
Partner
202.719.4252
mborja@wiley.law

Richard A. Simpson
Partner, Deputy General Counsel
202.719.7314
rsimpson@wiley.law

Gary S. Ward
Partner
202.719.7571
gsward@wiley.law

rather than parole.

Approximately 300 prisoners are serving sentences of life without parole in Maryland for crimes they committed as juveniles, and many of these people have now been incarcerated for decades. The U.S. Supreme Court, in a series of decisions over the past 10 years, has determined that sentences of life without parole for all non-homicide offenses and almost all homicide offenses committed by a person under the age of 18 violate the Eighth Amendment, and has given those rulings retroactive effect. However, the Maryland Parole Commission and the Maryland Governor’s Office have repeatedly refused to give meaningful consideration to the requests of the affected prisoners to be released based on exemplary records for good conduct and rehabilitation.

Wiley Rein partners Richard A. Simpson and Mary E. Borja, and associate Gary S. Ward, represent the plaintiffs, along with Barry Fleishman of Shapiro, Lifschitz & Schram, and ACLU-MD Legal Director Deborah Jeon and Staff Attorney Sonia Kumar.

To see today’s ACLU-MD news release, please [click here](#). To see the brief filed today on behalf of the plaintiffs, please [click here](#).