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STATE OF NEW MEXICO  
THIRTEENTH JUDICIAL DISTRICT  
COUNTY OF SANDOVAL

STATE OF NEW MEXICO,

Plaintiff,

v.

NO. D-1329-CR-2017-00171

LIAM CHARLES JOHNSON,

Defendant.

**DEFENDANT'S MEMORANDUM IN AID OF SENTENCING**

Stephen Taylor, Assistant Public Defender with the Law Offices of the Public Defender, hereby files this memorandum to assist the Court in sentencing.

Liam Johnson was eighteen (18) years of age when he and his brother killed their uncle, Donald Kalma.

The United States Supreme Court has held that there is a difference in levels of criminal culpability between juveniles and adults. *See, e.g., Miller v. Alabama*, 567 U.S. 460, 474 (2012); *Graham v. Florida*, 560 U.S. 48, 50, 76 (2010); *Roper v. Simmons*, 543 U.S. 551, 553 (2005). Collectively, these decisions demonstrate a distinct Eighth Amendment analysis for youth, premised on the simple fact that young people are different for the purposes of criminal law and sentencing practices. Relying on prevailing developmental research and common human experience concerning the transitions that define adolescence, the Court recognized that the age and special characteristics of young offenders play a critical role in assessing whether sentences imposed are disproportionate under the Eight Amendment.

More specifically, the cases recognize three key characteristics that distinguish adolescents from adults: “[a]s compared to adults, juveniles have a ‘lack of maturity and an underdeveloped sense of responsibility’; they ‘are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure’; and their characteristics are ‘not well formed.’” *Miller v. Alabama*, 567 U.S. 460, 471 (citing *Roper*, 543 U.S. at 569-70).

In recognizing the different maturational characteristics between serious youthful offenders (i.e. 15-17 year olds convicted of first degree murder) and adults, the New Mexico Supreme Court held that New Mexico courts have broad discretion in fashioning a serious youthful offender’s sentence “...to further the primary goals of the Delinquency Act. These goals are: rehabilitation of the child, accountability, deterrence, protection of the public, and punishment for the crime committed.” *State v. Tafoya*, 2010-NMSC-019, ¶ 18. The Court said “the clear grant of discretion in sentencing serious youthful offenders...underscores the Legislature’s intent to treat serious youthful offenders as individuals who may be rehabilitated.” *Id.*

Although Liam Johnson was 18 when he killed his uncle, research has consistently shown adolescent development actually continues beyond the age of 18. *See* Exhibit A: American Bar Association, Death Penalty Due Process Review Project Section of Civil Rights and Social Justice, *Report to the Delegates* (February, 2018).

In calling for the abolition of the death penalty for individuals under the age of 21, the American Bar Association stated that:

Findings demonstrate that 18 to 21 year olds have a diminished capacity to understand the consequences of their actions and control their behavior in ways similar to youth under 18. Additionally, research suggests that late adolescents, like juveniles, are more prone to risk-taking and that they act

more impulsively than older adults in ways that likely influence their criminal conduct. According to one of the studies conducted by Dr. Laurence Steinberg, a leading adolescent development expert, 18 to 21 year olds are not fully mature enough to anticipate future consequences.

*Id.* at 7.

Liam asks this Court to consider the relevant characteristics of late adolescence in fashioning his sentence. Contemporary neuroscientific research demonstrates that several relevant characteristics typify late adolescents' developmental stage, including: 1) a lack of maturity and underdeveloped sense of responsibility, 2) increased susceptibility to negative influences, emotional states, and social pressures, and 3) underdeveloped and highly fluid character. *Id.* at 11.

In conclusion, Liam requests that the Court review the following materials:

1. Exhibit A: American Bar Association, Death Penalty Due Process Review Project Section of Civil Rights and Social Justice, Report to the Delegates (February, 2018);
2. Exhibit B: Psychological Evaluation of Liam Johnson by Julie Brovko, Ph.D.;
3. Exhibit C: Letter from Aaron Kalma-Bruton;
4. Exhibit D: Letter from Barbara Gilner;
5. Exhibit E: Letter from Cathy Valenzuela;
6. Exhibit F: Letter from Tiffany Pitts;
7. Exhibit G: Letter from Fred Loehr;
8. Exhibit H: Letter from Megan Smith;
9. Exhibit I: Letter from Kathryn Pitts;
10. Exhibit J: Letter from Casey Kalma;
11. Exhibit K: Letter from Amy L. Moore;
12. Exhibit L: Letter from Cheri Lerew;

- 13. Exhibit M: Letter from Linda and Tom Oakley;
- 14. Exhibit N: Letter from Lisa Willman;
- 15. Exhibit O: Letter from Renee Ortegel;
- 16. Exhibit P: Letter from Tiffany Pitts;
- 17. Exhibit Q: Letter from Twila Archibeque;
- 18. Exhibit R: Letter from Roberta Jones;
- 19. Exhibit S: Letter from Elizabeth Kalma;
- 20. Exhibit T: Letter from Teresa Mancuso;
- 21. Exhibit U: Letter from Ronette Meyer;
- 22. Exhibit V: Letter from Taryn Myers.

Respectfully submitted,



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Attorney for Liam Johnson

I certify that a true copy of the foregoing  
was sent to opposing counsel on May 8, 2019.



Stephen Taylor