

## **COURT HEARING HELD IN EFREN PAREDES, JR. CASE JAN 15 2021**

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**By Necalli Ollin**

This afternoon Efrén's attorney appeared before the Berrien County Trial Court to present oral arguments during a hearing regarding his case. Efrén participated in the hearing via the Zoom video platform from prison.

In 2016 the U.S. Supreme stated in the landmark *Montgomery v. Louisiana* case that life without parole sentences for juvenile offenders must become "uncommon" and appropriate only in "exceptional circumstances." The Court also stated that the extreme sentence could only be imposed on certain "rare" juvenile offenders who are "permanently incorrigible" and for whom "rehabilitation is impossible." (*Montgomery v. Louisiana*, 136 S. Ct. 718, 733 (2016)). The Court stated the latter eight times in its ruling.

During the court hearing Efrén's attorney presented compelling reasons why he is not a candidate to receive a life without parole sentence. He cited decades of Efrén's accomplishments, participation in rehabilitative programming, positive evaluations about his character and behavior from current and former Michigan Dept. of Corrections career professionals, and a wealth of evidence of growth, maturity, and change.

Evidence of these things were also abundantly presented in the form of testimony offered by several witnesses at Efrén's October 6-7, 2020 mitigation hearing, numerous exhibits that were filed with the court, and in two previous briefs filed with the court in recent months.

Soon to be 48-years-old, Efrén has developed a remarkable sense of self-awareness during the past three decades behind bars and persistently evolved spiritually and intellectually. He is a sound consequential thinker and problem solver who has developed a profound appreciation for the sanctity of life.

At the court hearing the Berrien County Prosecutor's Office argued in support of a life without parole sentence for Efrén. Retired prosecutor Michael Sepic wildly ignored advancements in brain science, adolescent development research, reason, and common sense. He cited examples of normal human behavior that have occurred during Efrén's incarceration and his "charisma, intelligence, and personality" as reasons he is incapable of rehabilitation.

None of these are reasons the U.S. Supreme Court stated can justify a person receiving a life without parole sentence for a crime they were convicted of committing when they were a child. Sepic failed to prove the baseless assertion that Efrén is irreparably corrupt, permanently incorrigible, incapable of change, and forever beyond rehabilitation.

Retired prosecutor Sepic also argued that Efrén exercising his constitutional right to maintain his innocence is a reason he has not been rehabilitated. According to the Michigan Supreme Court, "[A] court cannot base its sentence EVEN IN PART on defendant's refusal to admit guilt." (emphasis added) (*People v. Hatchett*, 477 Mich. 1061 (2009); *People v. Jackson*, 474 Mich. 996 (2006)). The Court has also stated, "It is a violation of due process to punish a person for asserting a protected statutory or constitutional right." (*People v. Ryan*, 451 Mich. 30, 35 (1996)).

The Berrien County Trial Court will issue a final ruling whether or not to dismiss the former prosecutor's motion seeking a life without parole sentence for Efrén again between now and March 8, 2021.

Of the 200+ juvenile lifers who have been resentenced statewide 93% of them have received a term-of-year sentence. The vast majority have received sentences of time served or an average 30-year minimum sentence. None of the juvenile lifers who have been released have reoffended and they have a zero percent recidivism rate.

When asked about his thoughts regarding today's court hearing Efrén remarked, "We presented decades of clear and compelling evidence of my persistent growth, change, and rehabilitation. I've waited since 2012 to receive this opportunity. I'm glad things are moving along and hopeful we can conclude this process in the next few months."

He added, "This is all very difficult for victim family members who revisit their trauma each time a court hearing is held in my case. I look forward to them no longer being subjected to attending proceedings like the one today. They deserve to heal and move on with their lives."

While some may disagree with the U.S. Supreme Court ruling to give juvenile offenders a second chance to return to the community, the decision was made consistent with the evolving standards of decency that mark the progress of a maturing society. It was also based on science and major advancements that researchers have learned about brain development and the nature of adolescent behavior during the past two decades.

Regardless whether or not one believes Efrén committed the crime he is imprisoned for, he has served over three decades behind bars for the crime since age 15. Any reasonable person will agree that 32 years is an enormous amount of time for a human being to be caged. He has been incarcerated far longer than others who were adults when convicted of similar crimes.

Efrén is not asking the court to set aside his conviction. He is only asking the court to sentence him to a term of years allowing the Parole Board to begin reviewing his case for release consideration in the future consistent with well-established U.S. Supreme Court precedent.

Please keep Efrén in your thoughts and prayers during the coming weeks as he awaits a ruling in his case. Efrén also requests that people pray for the Tetzlaff family as well. [#FreeEfren](#) [#AbolishDBI](#) [#JLWOP](#) [#HTFL](#)