



U.S. Department of Justice

Office of the Solicitor General

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Washington, D.C. 20530

May 24, 2010

Honorable William K. Suter  
Clerk  
Supreme Court of the United States  
Washington, D.C. 20543

Terrance Jamar Graham v. Florida  
S. Ct. No. 08-7412

Dear Mr. Suter:

The government respectfully submits this letter to clarify certain information concerning federal inmates that the Court cited in its decision in the above-captioned case.

The opinion for the Court states that “there are six convicts in the federal prison system serving life without parole sentences for [juvenile] nonhomicide crimes.” Slip Op. at 12-13. In support of that statement, the opinion cites data provided to the Court in a letter and attachment from the Federal Bureau of Prisons (BOP) dated April 12, 2010. We are informed that the letter, of which this office became aware only upon the release of the Court’s decision, was submitted in response to a confidential request from Court personnel. In view of time constraints associated with the Court’s request, BOP was able only to consult its automated inmate records and not other documentation such as presentence investigation reports.

BOP’s letter indicates that the attachment reflects the results of BOP’s search of its automated inmate records to “identify inmates in custody who were sentenced in the Federal court to a term of life imprisonment without the possibility of parole, for an offense other than murder committed before the individual’s 18th birthday.” The attachment lists, among others, six federal inmates who, according to BOP’s automated inmate records system, are serving sentences of life for offenses other than murder or carjacking resulting in death. The government assumes that, in identifying “six convicts in the federal prison system serving life without parole sentences for [juvenile] nonhomicide crimes,” Slip Op. at 12-13, the Court intended to refer to these six inmates.

The government has conducted a careful review of presentence investigation reports and other materials concerning these inmates. Based on that review, it appears that none of the six inmates listed in the attachment to BOP’s letter is serving a life sentence based solely on a nonhomicide crime completed before the age of 18. Nor is the government aware of any other federal inmate who is serving a life sentence solely for a nonhomicide crime completed before the age of 18.

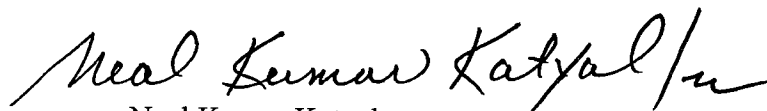
Five of the six inmates (BOP register numbers 15683-018, 20931-050, 25166-083, 34786-083, and 61025-004) were convicted for criminal conduct — namely, participation in unlawful conspiracies or criminal enterprises — that began when they were juveniles but continued after they reached the age of 18. In addition, the real offense conduct of three of those five (BOP register numbers 20931-050, 34786-083, and 61025-004) involved the killing of another; in one case (BOP register number 34786-083), the inmate was charged with and convicted of murder as a predicate offense for liability under the Racketeer Influenced and Corrupt Organizations Act (RICO).

The sixth inmate (identified by BOP register number 14043-050) completed his offense as a juvenile. That offense, however, involved homicide; he was charged with and convicted of murder as a predicate act under RICO.

Attached is a chart that provides additional detail concerning the age of the inmate at the time of the offense and offense conduct involving the killing of others.

Please do not hesitate to contact me if we can be of further assistance.

Sincerely,



Neal Kumar Katyal  
Acting Solicitor General

Attachment

cc: See Attached Service List

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Inmate	Offense(s) of conviction	Juvenile status at time of offense	Offense conduct involving the killing of others
Corey Grant, 14043-050	RICO conspiracy and RICO, based on predicate acts including murder and attempted murder; conspiracy to distribute and possess with intent to distribute cocaine; possession with intent to distribute cocaine; possession of a firearm during a crime of violence	Offense concluded at age 16	Charged with and convicted of murder as a RICO predicate act
Ralph Edwin Brazel, 15683-018*	Conspiracy to distribute cocaine base; distribution of cocaine base	Offense began before age 18; defendant turned 18 during the course of the conspiracy, approximately two weeks before his arrest	
Juan Antonio Santiago-Vazquez, 20931-050	Conspiracy to distribute heroin, cocaine, cocaine base, and marijuana	Offense began before age 18; continued until age 21	Along with co-conspirators, killed or procured the killing of others

<p>Ronald Jourdan Evans, 25166-083*</p>	<p>Conspiracy to distribute and possess with intent to distribute heroin, cocaine, and a mixture containing cocaine base; possession with intent to distribute heroin, cocaine, and a mixture or substance containing cocaine base</p>	<p>Offense began before age 18; defendant turned 18 during the course of the conspiracy, approximately nine months before he was indicted</p>	
<p>Albert Randolph, 34786-083</p>	<p>RICO, based on predicate acts including murder</p>	<p>Offense began before age 18; continued until age 23; committed murder at age 16</p>	<p>Charged with and convicted of murder as a RICO predicate act</p>
<p>Leonard Brown, 61025-004*</p>	<p>Conspiracy with intent to distribute cocaine and cocaine base; conspiracy to import cocaine; possession with intent to distribute cocaine and cocaine base; conspiracy to use and carry a firearm during and in relation to a drug trafficking crime</p>	<p>Offense began before age 18; continued until age 19</p>	<p>Along with co-conspirators, participated in the killing of others</p>

\* Sentenced to concurrent terms of life imprisonment for offense(s) completed as a juvenile and for offense(s) completed after age 18.