

2024-KA-1178

White, Andrew R.

ORIGINAL

From: Terri Lueschen <tmesser42@gmail.com>
Sent: Thursday, October 08, 2026 11:09 AM
To: sctclerk@mssc.state.ms.us
Subject: Letter for filing: Carly Madison Gregg v State of Mississippi
Attachments: Letter for filing - Carly M Gregg v State of Mississippi Case 2024 KA 01178 SCT.pdf

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From: Terri Lueschen <tmesser42@gmail.com>
Date: Tue, May 19, 2026, 9:26 PM
Subject: Letter for filing: Carly Madison Gregg v State of Mississippi
To: <sctclerk@courts.ms.gov>

Dear Clerk of the Court,

Please find attached a letter for filing in the upcoming case on May 27, 2026 for Carly Madison Gregg v State of Mississippi - Case No. 2024 KA 01178 SCT
Please include this in the documents in the upcoming oral arguments.

Thank you very much,

I am writing on behalf of Carly Madison Gregg, a child who is incarcerated, serving Juvenile LWOP. I support Carly and the Breland family as they continue to fight for justice. Carly is beautiful, smart, gracious, funny, soft spoken, kind, and caring. Carly has been a model citizen in her youthful offender unit. She strives to make the best of every day. She enjoys learning and expanding her education to the fullest ability, and she does so with ultimate success and pride every time. Her positivity helps her achieve her goals. Time and time again, she has shown her community and facility that she can be successful and a productive citizen within her community, and she works well with other people. She enjoys learning, reading, talking with other individuals, staying close to her family, and helping others around her. I have witnessed Carly engaging and growing into an amazing person who should not be overlooked. I believe Carly has a unique and challenging case that needs to be addressed as a "Second Look" case. She displays today that she can and will be a capable citizen of society, and should be given the chance in her life to have an opportunity to do so. Carly will not disappoint, she is striving to succeed in the life she leads. Her support system is large and will continue to be by her side every step of the way. Carly's family is true to the heart and genuine souls that love their grandchild with all their hearts, just as I do. This letter is meant to ask you to consider the child that Carly Madison Gregg is and the life she may lead. She is a child of God.

Globally, the United States is the only developed nation in the world that sentences children to life without parole (JLWOP), which directly conflicts with provisions of international law, including Article 37 of the United Nations Convention on the Rights of the Child that prohibits life sentences for juveniles (Parker, 2005). "A life sentence [without parole] is just a death penalty in disguise." Life without parole (LWOP) is called "death by incarceration" because the sentence implies that death in prison is inevitable. As LWOP sentences have become more prolific in the United States, scholars and activists have begun challenging LWOP's alleged humaneness. Prisoners serving LWOP express psychological trauma. Psychologically, it is difficult to overstate the ongoing traumatic impact on the LWOP inmate. Each day, LWOP prisoners bear the weight of knowing that society has banished them and condemned them to die in prison. Simply stated, a LWOP sentence functions as society's expression that a person is beyond redemption and has no hope for rehabilitation.

In a 2021 case, *Jones v. Mississippi*, the Supreme Court held that the Eighth Amendment does not require an absolute finding that a juvenile offender is permanently unreformed before enforcing a JLWOP sentence. A juvenile who has committed homicide may not be subject to a mandatory sentence of life without parole. However, a JLWOP sentencing regime may be constitutional if the sentencing judge or jury had the discretion to consider mitigating factors, including those related to the offender's age, and nonetheless determined that the most severe sentence was warranted.

A related area of legal and policy discussion concerns the use of "de facto" or "virtual" JLWOP, meaning sentences that do not expressly impose life imprisonment without the possibility of parole but make it likely that offenders will die while incarcerated or will spend the majority of their lives incarcerated. A sentence may be considered a de facto life without parole sentence because "the length of sentence imposed is so long that the sentence is, for all practical purposes, a life sentence and likely was intended to be such by the judge who imposed it. Certain policymakers, advocates, and the Supreme Court have all cited juvenile cognitive development as a key reason why youthful offenders should be handled differently than adults by the justice system.

Research has demonstrated that there are age-related changes in the brain, which do not reach "full physical or functional development" until the mid-twenties. Studies have proven that structures and functions of the brain do not all develop at the same time. One of the major theories in developmental neuroscience is the dual systems model, which posits that higher levels of risky behaviors and choices among juveniles may be the result of the socio-emotional system developing before the cognitive control system. The socio-emotional system is related to the "emotional state of the brain" and increases juveniles' need for sensation or reward-seeking behavior as well as their emotional reactivity. This system develops in the brain before the cognitive control system, which is connected to impulse control and emotional regulation. The brain is essentially being given the 'gas' of the socioemotional system without having the mature 'brakes' of the cognitive control system.

Since at least the 1990s, there has been an understanding among many psychologists and neuroscientists that the influence of brain development on the cognitive decision-making processes among juveniles has unique implications for their criminal culpability. There's a difference between capacity and culpability. Most adolescents understand intellectually that to kill another human being is wrong. That is precisely why we condemn it and punish those who commit it. Juveniles are less capable than adults of exercising restraint, planning, anticipating outcomes, such as risks and rewards, regulating their emotions, and understanding social cues. Juveniles also display a heightened sensitivity to rewards, are more susceptible to peer pressure, have less developed moral perceptions, and have personalities that are still developing. As stated in a peer-reviewed article summarizing the relationship between developmental neuroscience and juvenile criminal responsibility for a fault or wrong decision.

Relative to adults, adolescents are more impulsive, more likely to focus on potential rewards instead of potential costs of a risky situation, and more likely to be short-sighted in their decision making, especially in the heat of the moment, under potential threat, and in the presence of peers, thereby increasing the likelihood of reckless behavior. Particularly, in emotionally charged situations that involve similar-aged peers, emotional regulation is compromised, failing self-control and a higher probability of poor decision making and involvement in risky behavior. Juvenile cognitive development is also affected by individual and environmental factors, including exposure to, and experiences with, violence and material deprivations.

Children are uniquely vulnerable in that they are generally dependent upon others for their material, emotional, and social needs and are often unable to remove themselves from harmful or risky environments. However, most juvenile offenders do not continue to commit crimes as adults, perhaps, in part, due to reaching full cognitive maturity. Typically, criminal responsibility may be mitigated if the action falls outside of the offender's control, be it for biological, psychological, or environmental reasons.

Based on findings regarding the limits of juvenile control as described above, the American Psychological Association has argued in legal briefs that juveniles' immaturity, vulnerability, and changeability make them less culpable than adults, and as a result of their lower responsibility and ability to change, they should be deemed less responsible and thus less punishable. Yet, because of the lesser culpability or blameworthiness of young offenders, the punishment should not be as harsh as it is for adults.

The young people who have been given life without parole – we need to think about them as though they are our children. Give them the opportunity if they've been working in the prison and have worked on themselves. Allow them to be released to prove themselves. Children should not be left behind.

Terri Lueschen