

**IN THE SUPREME COURT OF TENNESSEE**  
**AT KNOXVILLE**

STATE OF TENNESSEE,

Appellee,

Knox County Criminal 108568

v.

C.C.A. No. E2018-01439-CCA-R3-CD

TYSHON BOOKER,

S. Ct. No. E2018-01439-SC-R11-CD

Appellant.

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BRIEF OF *AMICI CURIAE* AMERICAN BAPTIST COLLEGE, THE AMERICAN MUSLIM ADVISORY COUNCIL, THE RT. REV. JOHN C. BAUERSCHMIDT, BISHOP OF THE EPISCOPAL DIOCESE OF TENNESSEE, THE RT. REV. BRIAN L. COLE, BISHOP OF THE EPISCOPAL DIOCESE OF EAST TENNESSEE, THE RT. REV. PHOEBE A. ROAF, BISHOP OF THE EPISCOPAL DIOCESE OF WEST TENNESSEE,  
*(Continued on next page)*

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*Amici Curiae*, by and through undersigned counsel, hereby submit this brief in support of Appellant Tyshon Booker’s appeal.

## I. INTERESTS OF *AMICI*

*Amici*<sup>1</sup> represent a broad coalition of Christian, Jewish, and Muslim religious organizations, congregations, and individuals, joined in their support of Tyshon Booker’s appeal from his mandatory fifty-one year sentence. Despite the many and varied ways in which the religious traditions represented herein differ in their worldviews, *Amici* stand united in the belief that it is morally unjustifiable for the State of Tennessee to sentence juveniles, and, in this case, a sixteen-year-old, to what is functionally a life sentence without the possibility of parole. Such sentences offend our society’s evolving standards of decency, standards molded in large part by the moral frameworks of Tennessee’s faith traditions, and thus violate the Eighth Amendment of the United States Constitution and Article 1, §§ 13, 16, and 32 of the Constitution of the State of Tennessee.

## II. SUMMARY OF ARGUMENT

In 1995, the Tennessee General Assembly enacted legislation mandating that any individual convicted of first-degree homicide be incarcerated for a minimum of fifty-one (51) years. The law makes no distinction between adults and children. Such sentences inflict ongoing harm upon children and their families while failing to account for the special status of juveniles in society. *Amici*, a broad coalition of

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<sup>1</sup> Biographical information regarding each of *Amici Curiae* has been attached to this brief as **Appendix A**.

Christian, Jewish, and Muslim religious organizations, congregations, and individuals, join together to express their support for this Court holding that Tennessee's sentencing scheme, as it applies to juveniles, violates the Eighth Amendment of the United States Constitution, Article 1, §§ 13, 16, and 32 of the Tennessee Constitution, and is inconsistent with recent Supreme Court jurisprudence.

*Amici*, as representatives of several of Tennessee's most prominent faith traditions, are uniquely positioned to aid this Court in its evaluation of this state's evolving standards of decency. Indeed, consideration of such moral questions is integral to religious teaching, and the religious institutions represented by *Amici* thus serve as both repositories of wisdom and leaders in shaping society's moral frameworks.

A core principal of *Amici's* religious teachings is that the vulnerable in society deserve enhanced protection and support, and that systems that inflict additional harms upon such individuals or fail to take into account their unique status contravene the values represented by their faith communities. Further, children represent a specific category of vulnerable persons, and *Amici's* faith traditions reflect a broad consensus that juveniles are less morally culpable than are their adult counterparts. This is especially so when, as here, the children affected by Tennessee's mandatory sentencing scheme disproportionately represent multiple marginalized communities.

Finally, Tennessee's mandatory sentencing scheme eschews other values shared by *Amici's* religious traditions, including the dignity of all persons, the power of mercy and forgiveness, and the goals of redemption and restoration. For these reasons, *Amici* urge this Court to hold that



mandatory *de facto* life sentences for juveniles violate the United States Constitution and the Constitution of the State of Tennessee.

### III. ARGUMENT

#### A. Tennessee’s Faith Communities and Religious Organizations Provide Crucial Insight Regarding Our “Evolving Standards of Decency.”

The Eighth Amendment of the United States Constitution contains a frank and categorical prohibition—it forbids “cruel and unusual punishments.” U.S. Const. am. VIII. In refusing to adorn the cruel and unusual punishments clause with additional guidance, the drafters of the Eighth Amendment delegated the task of defining its contours “to future generations of judges who have been guided by the ‘evolving standards of decency that mark the progress of a maturing society.’” *Thompson v. Oklahoma*, 487 U.S. 815, 821 (1988) (quoting *Trop v. Dulles*, 356 U.S. 86 (1958)). Accordingly, the Eighth Amendment “is not fastened to the obsolete, but may acquire meaning as public opinion becomes enlightened by a humane justice.” *Weems v. United States*, 217 U.S. 349, 378 (1910).

This judicial project of evaluating and implementing the “evolving standards of decency” remains ongoing. Since 2005, the United States Supreme Court has incrementally restricted the range of criminal punishments available to be levied against juvenile offenders under the Eighth Amendment. In *Roper v. Simmons*, 543 U.S. 551 (2005), the Supreme Court held that the Eighth Amendment prohibits imposition of the death penalty on juveniles. Then, in *Graham v. Florida*, 560 U.S. 48 (2010), the Supreme Court extended this prohibition to mandatory life

sentences without the possibility of parole for juveniles convicted of non-homicide offenses. In *Miller v. Alabama*, 560 U.S. 460 (2012), the Supreme Court went further, holding that the Eighth Amendment forbids mandatory life sentences without the possibility of parole for juveniles convicted of homicide offenses, in addition to non-homicide offenses. The Supreme Court reinforced these holdings in *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016), as revised (Jan. 27, 2016), wherein it held that the *Miller* opinion announced a substantive rule of constitutional law that applied retroactively in collateral, post-conviction proceedings. The trajectory of these holdings reflects an ever-developing understanding that the Eighth Amendment requires that juveniles be treated as constitutionally different from adults when it comes to imposing criminal liability and punishment.

This Court has now been called upon to determine whether Tennessee’s sentencing scheme for first-degree murder violates the Constitution in line with the above-cited jurisprudence, and Tennessee’s religious communities are uniquely suited to aid this Court in its task of defining a more “humane justice.” This is principally because “the standard of extreme cruelty is not merely descriptive, but necessarily embodies a moral judgment. The standard itself remains the same, but its applicability must change as the basic mores of society change.” *Graham*, 560 U.S. at 58 (quoting *Kennedy v. Louisiana*, 554 U.S. 407, 419 (2008)) (internal quotation marks omitted). Throughout history, religious organizations have been devoted to the intellectual and philosophical work of articulating the moral frameworks that order society, including views of justice, guilt, retribution, but also mercy,

forgiveness, and rehabilitation. The resulting bodies of theological and scholarly work provide invaluable guidance bearing on the moral, and thus constitutional, questions surrounding the issue presented by this case.

In light of the foregoing, *Amici* respectfully request that this Court take notice of the wisdom contained in their faith traditions, as they stand united in support of this Court overturning the current sentencing scheme in Tennessee.

**B. The Values Represented by *Amici's* Faith Traditions Counsel that the Vulnerable, and Children in Particular, Deserve Special Consideration When Assessing Culpability and Punishment for Wrongdoing.**

**1. Each of the Faith Traditions Represented Herein Emphasize the Importance of Protecting the Vulnerable.**

Across the broad spectrum of faith traditions, there exists a basic agreement that all human beings possess essential dignity. That universal dignity undergirds the widely-shared principle that individuals have a duty to protect and preserve human life and wellbeing, particularly the most vulnerable. It is thus accepted across faith traditions that, as a society, we should endeavor both to protect those who are least capable of protecting themselves and to ensure that our laws do not visit unique harms upon the least powerful among us.

In Christianity, there exists a fundamental belief that all people are created in the “image and likeness of God.” Genesis 1:26-27 reads, “And God said, ‘Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and

over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.’ So God created man in his own image, in the image of God created he him; male and female created he them.” This doctrine, sometimes referred to by its Latin construction, *Imago Dei*, bears significantly on the way Christians consider and cherish the distinct value of every human life. As Dutch theologian Herman Bavinck explained, “So the whole human being is image and likeness of God, in soul and body, in all human faculties, powers, and gifts. . . . All that is in God—his spiritual essence, his virtues and perfections, his immanent self-distinctions, his self communication and self-revelation in creation—finds its admittedly finite and limited analogy and likeness in humanity.” Herman Bavinck, *Reformed Dogmatics*, Vol. 2, 562. That all people bear the image of God imbues them with dignity, and Christianity teaches that it is thus incumbent to protect human lives, particularly the most vulnerable—those that society, left to its own structures of power, may leave behind.

This theme of protecting the vulnerable, in particular, is repeated throughout the Old Testament of the Bible. The Book of Psalms proclaims, “Defend the poor and fatherless; do justice to the afflicted and needy. Deliver the poor and needy; rid them out of the hand of the wicked.” Psalm 82:3-4. In Proverbs, a just king’s reign is described thus—“Open thy mouth for the dumb in the cause of all such as are appointed to destruction. Open thy mouth, judge righteously, and plead the cause of the poor and needy.” Proverbs 31:8-9. In Zechariah, the prophet heard the word of God, and it said to him, “And oppress not the

widow, the fatherless, the stranger, nor the poor; and let none of you imagine evil against his brother in your heart.” Zechariah 7:10.

Classical Jewish textual sources also emphasize the importance of protecting the vulnerable. *See, e.g.*, Deuteronomy 24:17 (“Thou shalt not pervert the justice due the stranger, or to the fatherless; nor take the widow’s raiment to pledge.”) As the sixteenth century Italian commentator Obadiah Sforno explained, this verse is directed specifically at judges and courts. This sense of concern for vulnerable populations is pervasive, extending beyond protections in the legal domain (“Thou shalt not pervert justice”) to the economic (“And when you reap the harvest of your land, you shall not reap all the way to the edges of your field, or gather the gleanings of your harvest; you shall leave them for the poor and the stranger: I the LORD am your God”). Leviticus 23:22.

The same may be said about the Islamic tradition. The Qur’an explains, “And lo! We accepted this solemn pledge from the children of Israel: ‘You shall worship none but God; and you shall do good unto your parents and kinsfolk, and the orphans, and the poor; and you shall speak unto all people in a kindly way; and you shall be constant in prayer; and you shall spend in charity.’ And yet, save for a few of you, you turned away: for you are obstinate folk!” Qur’an 2:83. As in the Hebrew Bible, God calls out to Muslims for benevolence to the vulnerable—orphans and the poor. Indeed, the Islamic oral tradition (the *ḥadīth*) records that care for orphans is rewarded in Paradise. (Ṣaḥīḥ of Buḥārī, #5659.)

**2. Each of the Faith Traditions Represented Herein Also Specifically Emphasizes the Importance of Distinguishing between Children and Adults.**

Each of the faith traditions represented herein specifically emphasizes that children represent a special class of vulnerable individuals. This broad consensus reflects a societal understanding that children are still in the process of maturing both mentally and physically, and that they are thus not yet fully capable of modulating their impulsive behaviors or grasping the full consequences of their misconduct. Tennessee's sentencing scheme contravenes the religious consensus that juveniles should be considered less morally culpable for their misconduct than adults.

This distinction between the actions of children and adults appears in several religious texts. In an oft-cited passage from the New Testament, Paul the Apostle writes to the church in Corinth, "When I was a child, I spake as a child, I understood as a child, I thought as a child; but when I became a man, I put away childish things." 1 Corinthians 13:11. Paul's epistle thus explicitly acknowledges the gulf between the understanding of a child and the understanding of an adult. Jesus was also particularly concerned that children be treated with dignity. See Matthew 18:10 ("Take heed that ye despise not one of these little ones; for I say unto you, That in heaven their angels do always behold the face of my Father which is in heaven."); Mark 9:37 ("Whosoever shall receive one of such children in my name, receiveth me: and whosoever shall receive me, receiveth not me, but him who sent me.")

The Prophet Muhammad taught that “the pen (of legal capacity and legal obligation) has been lifted from three (classes): the insane, until he regains intellectual capacity, the minor until he reaches the age of majority, and the sleeping person until he awakens.” 4 ‘Abd al Ghafar Sulayman al-Bandari (ed.) *Sunan al-Nasa’I al-Kubra li Ahmad ibn Sh’ayb al-Nasa’I* 324 ##7346 (Beirut: Dar al-Kutub al-‘Ilmiya, 9th century reprint 1991). And while there may have been some dispute as to when a particular child reached the age of majority, the classical doctrine of Islamic criminal law recognized that minors were incapable of developing the adequate *mens rea* to be culpable for criminal conduct. Rudolph Peters, *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-first Century* § 2.3.2.1 (Cambridge University Press 2005).

Similarly, Jewish legal tradition dating back to the Roman Empire has specifically exempted children from liability on the basis of their diminished capacity. As Professor Hagith Sivan explains, “Children . . . were not liable to damages if they injured another nor accountable if they inflicted damage on another’s property. Underlying this collective exemption was the assumption that neither children nor their associative groups were fully cognizant of their actions, unlike free adult males whose harmful actions did entail appropriate penalties.” Hagith Sivan, *Jewish Childhood in the Roman World* 18-19 (Cambridge University Press 2018). And while the Torah does not explicitly define an age of majority, several passages imply adulthood began at the age of twenty. Examples include the requirement to pay the half-shekel offering (Exodus 30:14, 38:26), eligibility for military conscription (Numbers 1:3),

and participation in religious leadership (I Chronicles 23:24). The age of twenty thus “played an important role in Biblical times, and we may properly call it the age of maturity or of majority.” Israel Lebediger, *The Minor in Jewish Law*, THE JEWISH QUARTERLY REVIEW 463 (University of Pennsylvania Press 1916).

Importantly, this long-held understanding across faith traditions, that juveniles are psychologically and emotionally distinguishable from adults, enjoys broad consensus across the scientific community as well. See, e.g., Laurence Steinberg, *Commentary on Special Issue on the Adolescent Brain: Redefining Adolescence*, 70 NEUROSCIENCE & BIOBEHAVIORAL REVIEWS 344 (2016) (“There are just as many, if not more, differences between adolescents and adults as there are between adolescents and children, and the differences between adolescents and adults are often more striking than the differences between adolescents and children.”) In the last several decades, a growing body of scientific literature has demonstrated that humans undergo dramatic structural and functional changes in their brains during adolescence, including to the parts of the brain most responsible for emotional reactions, impulse control, and other executive functioning. See, e.g., B.J. Casey et al., *Beyond simple models of adolescences to an integrated circuit-based account: A commentary*, 17 DEVELOPMENTAL COGNITIVE NEUROSCIENCE 128-30 (2016); Laurence Steinberg & Grace Icenogle, *Using Developmental Science to Distinguish Adolescents and Adults Under the Law*, 1 ANNUAL REVIEW OF DEVELOPMENTAL PSYCHOLOGY 21-40 (2019); National Academies of Sciences, Engineering and Medicine, *The Promise*



*of Adolescence: Realizing Opportunity for All Youth* (Committee on the Neurobiological and Socio-behavioral Science of Adolescent Development and Its Applications, Richard J. Bonnie and Emily P. Backes eds. 2019); D.B. Dwyer et al., *Large-Scale Brain Network Dynamics Supporting Adolescent Cognitive Control*, 34 JOURNAL OF NEUROSCIENCE 14096-14107 (2014).

Moreover, “[a]ccording to many psychologists, adolescents are less able than adults to perceive and understand the long-term consequences of their acts, to think autonomously instead of bending to peer pressure or the influence of older friends and acquaintances, and to control their emotions and act rationally instead of impulsively.” Human Rights Watch, *The Rest of Their Lives: Life without Parole for Child Offenders in the United States* (Oct. 2005), available at <http://www.hrw.org/sites/default/files/reports/TheRestofTheirLives.pdf>; see also Steinberg & Icenogle at 29 (explaining that “adolescents do not evince adult levels of self-regulation until age 18 or later”); Albert Chein, et al., *Peers Increase Adolescent Risk Taking by Enhancing Activity in the Brain’s Reward Circuitry*, 14:2 DEVELOPMENTAL SCI. F1, F1 (2011) (“[O]ne of the hallmarks of adolescent risk taking is that it is much more likely than that of adults to occur in the presence of peers, as evidence in studies of reckless driving, substance abuse, and crime.”) (internal citations omitted).

These scientific findings support what *Amici’s* faith traditions have long believed and implemented in their own moral and legal traditions, that the mind of a juvenile is not as capable of impulse control and

rational decision making as that of an adult. Therefore, *Amici* agree that systems of discipline should not hold juveniles to exactly the same standards as adults when it comes to penalizing them for their wrongs.

A criminal justice system or sentencing scheme that fails to account for the substantive differences between the culpability of children and that of adults thus contravenes the religious teachings of Christianity, Judaism, and Islam.

**3. In Tennessee, Juvenile Offenders Who Receive Mandatory Fifty-One Year Sentences Overwhelmingly Intersect Across Multiple Marginalized Communities.**

Unfortunately, the juvenile offenders who are most likely to receive the harshest sentences under the criminal laws of Tennessee are not merely vulnerable because of their status as minors. Tennessee's mandatory fifty-one year sentence also disproportionately affects individuals who happen to live at the intersection of multiple marginalized communities. Of the one hundred thirty-two juveniles sentenced to life in prison in Tennessee under the current sentencing scheme, 77% have been Black. Incredibly, in Shelby County, this disparity is even more stark—every single juvenile who has received a life sentence in Shelby County is Black. This is despite of the fact that Black Americans make up only 17.1% of the population of the State of Tennessee. U.S. Census Data for Tennessee, 2019, available at <https://www.census.gov/quickfacts/TN>. And more than 20% of Black Tennesseans live in households with incomes below the poverty line, compared with just 11.8% of white Tennesseans. Mandy Pellegrin and

Bryce Tuggle, *2019 Census Data on Income & Poverty in Tennessee*, The Sycamore Institute (October 1, 2020).

In addition, many of these juvenile offenders have experienced trauma early in their lives that significantly affected the course of their development. The record in this case demonstrates that Tyshon Booker experienced a number of traumatic experiences prior to his conviction, including the murder of his grandfather, the death of an aunt in his presence, and the beating of his mother. (Brief of Appellant Tyshon Booker at 13, *State of Tennessee v. Booker*, C.C.A. No. E2018-01439-CCA-R3-CD.) He has been clinically diagnosed with Post-Traumatic Stress Disorder (“PTSD”), and his PTSD has led to multiple “functional impairments,” including “detachment from interpersonal relationships, an inability to experience positive emotions, and he continues to experience a hypervigilant response style to perception of threat.” (June 1, 2016 Letter from Keith R. Cruise, PhD, MLS at 1.)

The individuals subjected to these mandatory minimum sentences thus fall into multiple, overlapping vulnerable groups that Tennessee’s citizens of faith believe should be protected. These faith traditions instruct that we should be particularly attuned to the needs of those groups that have less power or ability to protect themselves, or against whom power is wielded inequitably. Because Tennessee’s mandatory sentencing scheme, particularly as it is applied to offenses committed by juveniles in this State, disproportionately affects both children of color and those who have suffered significant trauma, *Amici* argue that it contravenes their collective belief in the dignity of all people and the duty

of humankind to protect and defend the most vulnerable members of society.

**C. Tennessee’s Mandatory Fifty-One Year Sentence for Juvenile Offenders Convicted of First-Degree Homicide Also Contravenes Other Core Religious Teachings.**

Tennessee’s mandatory sentencing scheme, particularly with regard to juvenile offenders, contravenes other fundamental principles shared across *Amici’s* faith traditions, including the value of mercy, the power of forgiveness, and the possibility of redemption and restoration for those who do wrong.

For instance, in Christianity, mercy and forgiveness are inseparable from the work and teachings of Jesus. In the Christian tradition, all human beings are sinful and “without Christ, being aliens from the commonwealth of Israel, and strangers from the covenants of promise, having no hope, and without God in the world.” Ephesians 2:12. But Jesus offered himself up as a sacrifice for the sin of humankind. *See, e.g.,* Romans 5:8 (“But God commendeth his love toward us, in that, while we were yet sinners, Christ died for us.”). As Ephesians 2:4-6 explains, “But God, who is rich in mercy, for his great love wherewith he loved us, even when we were dead in sins, hath quickened us together with Christ, (by grace ye are saved;) and hath raised us up together, and made us sit together in heavenly places in Christ Jesus[.]”

In Christian teaching, because all people have been shown great mercy by God, the Christian is called into a ministry of reconciliation. *See* II Corinthians 5:18-19 (“And all things are of God, who hath reconciled us to himself by Jesus Christ, and hath given to us the

ministry of reconciliation; To wit, that God was in Christ, reconciling the world unto himself, not imputing their trespasses unto them; and hath committed unto us the word of reconciliation.”) As pastor and theologian John Stott aptly explains, “The Gospel is good news of mercy to the undeserving. The symbol of the religion of Jesus is the cross, not the scales.”

Similarly, mercy is fundamental to the Jewish faith tradition. The *Talmud* counsels that man should emulate God, who Exodus 34:6 describes as “merciful and gracious, long-suffering, and abundant in goodness and truth.” BT Shabbat 133b, JT Pe’ah 1:1. Indeed, divine epithets in both Judaism and Islam emphasize divine mercy—*ha-raḥaman* (the Merciful) in Hebrew and *al-raḥmān al-raḥīm* (Compassionate and Merciful) in Arabic. The medieval rabbinic compendium *Tanna de-Bei Eliyahu* further instructs that one should practice mercy as an act of *imitatio dei*: “Just as it is God’s way to be merciful and forgiving to sinners, and to receive them in their repentance, so do you be merciful to one another . . . Just as God is longsuffering to sinners, so do you be longsuffering one to another.” *Tanna de-Bei Eliyahu*, p. 138, cited in C.G. Montefiore and H. Loewe, *A Rabbinic Anthology*, at 468-469.

The Islamic faith tradition also teaches that, in all matters, man should emulate Allah, including the manner in which humankind governs itself and the way in which individuals treat each other. To that end, the example of Allah instructs that we should be both just and merciful. Indeed, one of the central attributes of Allah is that he is Most

Merciful (“Ar Rahim”), and He is called the “Merciful Redeemer.” In the Qur’an, Allah says, “O my Servants who have transgressed against their own souls! Despair not of the Mercy of Allah: for Allah forgives all sins for He is Oft-Forgiving, Most Merciful.” Qur’an 39:53; *see also* Qur’an 7:156 (“My mercy encompasses all things.”); Qur’an 6:54 (“Your Lord hath inscribed for Himself (the rule of) mercy . . . . He is Oft-Forgiving, Most Merciful.”).

Mercy and forgiveness do not exist in a vacuum, however. Rather, in each of *Amici’s* faith traditions, these virtues serve the crucial function of facilitating the redemption and restoration of the wrongdoer. As previously described, while Christianity, Judaism, and Islam all teach that God is just, they also emphasize equally God’s capacity for mercy. This means that the purpose of a criminal justice system should not be limited merely to punishing those who do wrong. Instead, the virtues of mercy and forgiveness, shared across faith traditions, lead inexorably to the conclusion that *true* justice must balance the retributive aspect of criminal justice with the goal of restoration and redemption of the criminal. This is because justice that restores and redeems honors the dignity of human life, the power of mercy, and the possibility of redemption. It provides accountability for one’s actions while advocating a path to rehabilitation and reconciliation. In short, it better accomplishes our shared mandate of reflecting the divine. Sentencing juveniles to a lifetime behind bars for their actions when they are teenagers flies in the face of these principles.

“When justice is distorted God desires for the cause of the widow and the orphan, those most vulnerable to the injustice of the affluent and

powerful, to be defended (Isaiah 1:17). When injustice is committed against the poor and marginalized, authentic justice as described here is prevented from being experienced and God's people are alienated from God (Amos 5:7, 10-13, 21-24). God is just and those who follow God must be just as well." THE BOOK OF RESOLUTIONS OF THE UNITED METHODIST CHURCH § 5031, Humanizing Criminal Justice.

#### IV. CONCLUSION

For the foregoing reasons *Amici* respectfully request that this Court vacate the sentence of Appellant Tyshon Booker on the grounds that a mandatory fifty-one year sentence imposed upon a juvenile offender violates the Eighth Amendment of the United States Constitution and Article 1, §§ 13, 16, and 32 of the Constitution of the State of Tennessee.

Respectfully submitted,

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**CERTIFICATE OF ELECTRONIC FILING COMPLIANCE**

Under Tennessee Supreme Court Rule 46 § 3.02, I hereby certify that this brief contains less than 7,500 words as calculated by Microsoft Word, and it was drafted in 14-point Century Schoolbook font with 1.5x line spacing.

s/ W.J. Michael Cody  
W.J. Michael Cody

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing brief was served electronically or mailed via U.S. first class mail, postage prepaid, this 30th day of November, 2020, to:

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## APPENDIX A

1. *American Baptist College*. The mission of American Baptist College, a Historically Black College with an emphasis on liberal arts, is to educate, graduate, and prepare diverse students for Christian leadership, service, and social justice in the world.
2. *American Muslim Advisory Counsel*. The American Muslim Advisory Council (AMAC) was founded in 2012 after an anti-sharia bill was introduced in the Tennessee state legislature. AMAC is the leading civil rights organization for Muslims in Tennessee, fighting against anti-Muslim discrimination and building alliances in the pursuit of justice. Its board of directors consists of Muslim leaders from across the state. AMAC's mission is to empower the Muslim community and foster mutual trust through civic engagement, community building and improved media relations in order to protect all Tennesseans against prejudice and targeted violence.
3. *The Rt. Rev. John C. Bauerschmidt, Bishop of the Episcopal Diocese of Tennessee*. The Rt. Rev. John Crawford Bauerschmidt was elected the eleventh Bishop of the Diocese of Tennessee in 2006, and was consecrated in Nashville at the non-denominational Christ Church in 2007.
4. *The Rt. Rev. Brian L. Cole, Bishop of the Episcopal Diocese of East Tennessee*. The Rt. Rev. Brian Lee Cole was ordained and consecrated fifth bishop of the Diocese of East Tennessee in 2017. Bishop Cole has under his pastoral and administrative care 50 parishes and worshiping communities in East Tennessee and Northern Georgia. The bishop's responsibilities are to visit each congregation, preaching, celebrating the Holy Eucharist and confirming individuals into The Episcopal Church in the apostolic tradition of the laying on of hands. As bishop, he ordains priests and deacons and joins in the ordination of other bishops of the church. In these rites, through the laying on of hands, the continuity with the early church of the apostles is demonstrated.

5. *The Rt. Rev. Phoebe A. Roaf, Bishop of the Episcopal Diocese of West Tennessee.*  
The Rt. Rev. Phoebe A. Roaf is a lifelong Episcopalian. She grew up in Pine Bluff, Arkansas. She was rector at St. Philip's, the oldest African-American church in the Episcopal Diocese of Virginia, where she served as the parish leader since 2011. Before St. Philip's, Bishop Roaf was associate rector for three years at Trinity Episcopal Church in New Orleans. Bishop Roaf, who earned a law degree from the University of Arkansas, Little Rock, and clerked two years for Judge James L. Denis, U.S. Court of Appeals for the Fifth Circuit, worked in commercial real estate before pursuing a call to serve the Episcopal Church as clergy. She completed her bachelor's degree at Harvard University and MPA at Princeton University. She attended Virginia Theological Seminary in Alexandria. She is vice chair of the board of trustees at Virginia Theological Seminary. Bishop Roaf is now Bishop of West Tennessee which covers all of Tennessee west of the Tennessee River and has 8,260 active members with an average Sunday attendance of more than 3,000.
6. *The Most Reverend David P. Talley, Bishop, Catholic Diocese of Memphis in Tennessee.*
7. *The Most Reverend J. Mark Spalding, Bishop, Catholic Diocese of Nashville in Tennessee.*
8. *The Most Reverend Richard F. Stika, Bishop, Catholic Diocese of Knoxville in Tennessee.*
9. *The Reverend Kevin L. Strickland, Bishop of the Southeastern Synod of the Evangelical Lutheran Church in America.* The Evangelical Lutheran Church in America (ELCA) Southeastern Synod is one of 65 Synods in the Evangelical Lutheran Church in America, and is made up of 160 congregations across Alabama, Georgia, Mississippi, and Tennessee. The ELCA affirms the fundamental principles of the U.S. criminal justice system such as due process of law and the presumption of legal innocence. Yet, this church hears people's cries that reflect the current system's serious deficiencies. Drawing from the biblical witness to God's wondrously rich forms of love and justice, we are

compelled by a “holy yearning” to address the need for a change in public mindset and for dramatic reforms in policies and practices.

10. *The Black Clergy Collaborative of Memphis*. The Black Clergy Collaborative of Memphis, Tennessee (BCCM) is a Christian group founded to express the voice of the Black Church. Its three priorities are Criminal Justice Reform, Economic Empowerment, and Civil Engagement. BCCM's criminal justice advocacy strives to end harsh policies and racial inequities at every point the criminal justice system intervenes in the lives of Memphians. BCCM promotes reforms that reduce incarceration and recidivism rates, seeks to end the proliferation of criminal laws and the unfair enforcement of laws that result in over-criminalization; calls for improvements to prison conditions; inspires alternatives to incarceration; and advocates for parole and the provision of re-entry support. The individual and collective experiences of members of the Black Church informs BCCM's efforts to end the unfair treatment of juvenile and adult offenders.
11. *Memphis Interfaith Coalition for Action and Hope*. Memphis Interfaith Coalition for Action and Hope (MICAH) is a coalition of more than 70 faith, labor, and community organizations partnering for power and acting for justice in Memphis and Shelby County. We organize, partner and act, always seeking to "do justice, love mercy, and walk humbly with our God." The purpose of MICAH is not to replace each congregation or community organization's efforts, but instead to amplify the voice and the impact of each by working together interdependently to hold ourselves, public officials, and community leaders accountable to our shared values.
12. *Nashville Organized for Action and Hope*. Nashville Organized for Action and Hope (NOAH) is an anti-racist, faith-based coalition that is multiracial, multigenerational, and interfaith comprised of 60 congregations, community organizations, and labor unions that work to amplify the power of ordinary people. Representatives from each member group make up NOAH's Board of Directors, with an 8-member Executive Committee. NOAH engages political

officials and candidates in large public meetings, gaining their commitments to work with us on the issues important to our member groups, including criminal justice, affordable housing, education, and economic equity. In criminal justice, NOAH has organized successfully for mental health diversion from jail and policies to stop the "school-to-prison pipeline." Presently, NOAH is organizing for Metro Nashville to implement a mental health team, separate from the police department, to answer emergency calls for mental health and drug issues. NOAH's October 2020 virtual public meeting drew over 700 attendees with 2,500 views of the Facebook Live video. Commitments to work with NOAH were made by Nashville's Mayor, Deputy Police Chief, Metro Council Members, School Board Members and two candidates for state legislature.

13. *Chattanoogaans in Action for Love, Equality and Benevolence.* Chattanoogaans in Action for Love, Equality and Benevolence (CALEB) is made up of members organizations throughout Chattanooga. The purpose of CALEB is to bring together an institutional coalition of faith-based, labor, and other community organizations in order that their constituents gain a powerful voice in public affairs and issues in the wider community.

14. *Interdenominational Ministers Fellowship.* The Interdenominational Ministers Fellowship (IMF) is an intra- and interfaith coalition of ministers, started in 1954, to unitedly, collectively and cooperatively address the social disparities plaguing many citizens of Nashville. IMF also has associate members comprised of aligned nonprofits, labor and other justice seeking organizations.

15. *Islamic Center of Nashville.* The Islamic Center of Nashville (ICN) provides educational opportunities for people of other faiths to learn about Islam. Schools, classes, individuals, institutions, etc. visit our mosque on a weekly basis, and our members are regularly invited to speak to groups such as schools, workplace, law enforcement, interfaith, etc. Also, our center prides itself in working towards making our great city of Nashville a better

community through community service programs. The Muslims of Nashville are diverse with ethnic representations of more than 40 nations and regions.

16. *CCDA Knoxville*. For more than 30 years, CCDA and over 1,000 associated organizations have been pursuing a common vision to see holistically-restored communities with Christians fully engaged in the process of transformation. CCDA is strategically positioned to lead efforts across our country to address poverty and issues of injustice. We do this by supporting the work of local Practitioners and Partners who come together around a common vision and exercise their voices on the national stage, primarily in 3 areas of advocacy: mass incarceration and criminal justice reform, equitable education reform, and immigration reform.
17. *Woodland Presbyterian Church*. Woodland Presbyterian Church (U.S.A.) has been a faith community in Nashville, Tennessee for over 160 years. Woodland Presbyterian Church values inclusivity, creativity, spiritual grounding, and community. "We continue to exist not only for ourselves, but to bring good to places of need in our community and our world." Particularly pertaining to this brief, Woodland Presbyterian Church has committed to deliberately investing in the next generation.
18. *Knoxville Christian Arts Ministries*. Knoxville Christian Arts Ministries (KnoxCAM) is a faith-based, non-profit ministry dedicated to using music, drama, and dance to share the gospel of Christ outside the walls of the church building. Our primary area of service is in prisons across the state of Tennessee. We have 120 volunteer members, ages 18 - 90, from 40 different churches in the Knoxville area. We know the power of the performing arts to break through barriers of anger, bitterness, and fear to allow people to come to know the love of God, and we are grateful to be a small part of the work He is doing among prison inmates. We support this Amicus Brief as being in line with our message of God's justice tempered with mercy, forgiveness, and love through salvation in Jesus Christ.

19. *Nashville Jewish Social Justice Roundtable*. The Nashville Jewish Social Justice Roundtable is a progressive Jewish voice within the broader Nashville community committed to exploring and supporting solutions that will advance the principles of democratic pluralism, religious freedom, and social and economic justice. Our Jewish faith guides our commitment to maintain just, fair, and compassionate public policies on the national, state, and local levels. It is our intent to support an interfaith, inter-ethnic, and interracial community in which all can live with civility and dignity.
20. *Rabbi Micah Greenstein—Temple Israel*. Rabbi Micah Greenstein has served Temple Israel, Memphis' historic 165-year-old synagogue, for three decades, sustaining its position as the largest congregation in Tennessee and the Deep South. Reflecting Temple Israel's commitment to serving the greater community, Greenstein was recognized as Memphis Magazine's first "Memphian of the Year" in 2013. Greenstein served as two-time president of the Memphis Ministers Association, on the national board of the NAACP, and on the executive board of the National Civil Rights Museum. In 2019, he was named among the "Top 40 Change Makers for Memphis."
21. *Rabbi Jeremy Simons—Temple Israel*. Rabbi Jeremy Simons joined Temple Israel in May 2019 as an Assistant Rabbi. In addition to pulpit responsibilities, his role includes overseeing the youth program at Temple Israel, including TI Chai and MeFTY. Originally from the Boston area, Rabbi Simons earned dual degrees in Political Science and Philosophy from The Ohio State University before working as a synagogue youth director. He received ordination from Hebrew Union College-Jewish Institute of Religion in 2014. Upon ordination, Rabbi Simons served congregations throughout the Southeast as the Director of Rabbinic Services for the Institute of Southern Jewish Life and later worked as the Director of Hillels of Memphis, where he helped launch the chapter at Rhodes College.
22. *Rabbi Philip Rice—Congregation Micah*. Rabbi Rice serves as Rabbi to the Congregation Micah in Nashville, Tennessee, and is passionate about

innovative religious services. A community leader of interfaith dialogue, he lectures locally at Belmont University and was a founder of Get Connected - the locally run Israel teen trip experience. Rabbi Rice was ordained as a rabbi from HUC-JIR (2001) and recently earned a Doctor of Ministry from Lipscomb University (2018). Prior to arriving in Nashville, he was an Associate Rabbi at Temple De Hirsch Sinai in Seattle, Washington (2001-2005).

23. *Ministry Table of West End United Methodist Church.* At West End, we believe we are called to do the following as Christians: know, love and follow Jesus Christ with our head, heart, and hands; invite and welcome all God's children into a community of love and grace; receive and witness to God's hope, help, and healing for one another and for a neighbor; discover and use our Spirit-given strengths to work for God's justice, peace, and reconciliation.

24. *Pastor Anna Lee—Cokesbury United Methodist Church.* Anna Lee serves as the Executive Pastor at Cokesbury United Methodist Church in Knoxville.

25. *Knoxville Underground.* Knoxville Underground is church reimaged. We are a community of Christ followers actively cultivating shalom wherever we are. Driven by our core values of community, passion, and justice, we are committed to inspiring, equipping, and mobilizing each other to be the missionaries that God created us uniquely to be. Rather than being known for our building or our worship gatherings, we want to be known for our impact, demonstrated in changed lives and transformed neighborhoods.

26. *Yoke Youth Ministries.* Yoke Youth Ministries (YOKE) helps transform communities by mentoring middle school students, equipping youth leaders, engaging local churches, and enriching local schools. Founded in Knoxville in 1977, YOKE's volunteer mentors now serve students at 31 middle schools in Knox, Blount, Loudon, Anderson, Jefferson, and Grainger Counties.

27. *Bishop Joseph Warren Walker—Mt. Zion Baptist Church.* Bishop Joseph W. Walker, III serves as Presiding Bishop, FGBCFI, and Pastor to Mt. Zion Baptist Church in Nashville, Tennessee. A recipient of numerous awards and honors, Bishop Walker sits on noteworthy boards, including the Board of the

American Red Cross, Citizens Bank, and was elected to serve on the Board of Trustees of Meharry Medical College in 2016. In early 2013, [theroot.com](http://theroot.com) named Bishop Walker as one of the 20 Top Black Preachers in the country, and most recently, EBONY recognized him on its "Power 100" list as one of the nation's most influential African-American leaders.

28. *Bishop Edward H. Stephens, Jr.—Golden Gate Cathedral.* As senior pastor of Golden Gate Cathedral and CEO of Golden Gate Development Corporation in Memphis, Bishop Stephens oversees the efforts to transform our community with Christ. He is in a line of five generations of ministers, member of the Executive Council of the Full Gospel Baptist Church Fellowship and serves as the Bishop of the Central Region. In addition, Bishop Stephens also serves in the International Bishop's Conference under the leadership of Archbishop LeRoy Bailey.

29. *Pastor Peris J. Lester—Mt. Olive Christian Methodist Episcopal Church.* Pastor Peris J. Lester serves as Pastor for Mt. Olive Christian Methodist Episcopal Church in Memphis, Tennessee.

30. *Reverend Dr. Byron C. Moore, MPC—Saint Andrew African Methodist Episcopal Church.* Reverend Dr. Byron C. Moore is the Senior Pastor of the Saint Andrew African Methodist Episcopal Church in Memphis, Tennessee.

31. *Reverend Dr. J. Lawrence Turner—Mississippi Boulevard Christian Church.* Reverend Dr. J. Lawrence Turner is the senior Pastor of Mississippi Boulevard Christian Church, also known as The BLVD, a historic Disciples of Christ congregation in Memphis, Tennessee.

32. *Minister J.P. Conway—Acklen Avenue Church.* J.P. Conway serves as Minister of the Acklen Avenue Church of Christ and Professor at Lipscomb University.

33. *Minister Josh Graves—Otter Creek Church.* Dr. Josh Graves is preaching and teaching minister for the Otter Creek Church in Brentwood, Tennessee. He loves telling Jesus stories to anyone who will listen. Josh also works as an adjunct religion professor for Lipscomb University. He holds a D.Min. from Columbia Seminary where he studied the relationship between



postmodernism and Christianity. He has written three books: *The Feast: How to Serve Jesus in a Famished World*, *Heaven on Earth (with C. Seidman)*, and *How Not to Kill a Muslim: A Manifesto of Hope for Christianity and Islam in North America*. Josh's work has been featured on Fox News, Patheos, PBS Religion and Ethics, Church Leaders, The Tennessean, Missio Dei, The Contributor, and Christian Standard.

34. *Professor Lee Camp*. Lee Camp is a college professor at Lipscomb University, producer, speaker, and Nashville variety show host, writing and speaking about theology, culture, politics, and human flourishing. He is grateful for the privilege of getting to teach, write, produce, and speak about things that matter: like what it means to be a human being; what sorts of habits and ways of life lead to flourishing, individually and communally; and what it might look like to live in a way that transcends various hostilities and partisanship, all while still caring and talking a great deal about things like justice and mercy and truth-telling.
35. *Raising a Voice*. Raising a Voice seeks to end human trafficking through gospel-centered community transformation and global outreach. In our work, we are committed to helping the exploited, vulnerable, and marginalized people in communities all around the world.
36. *Reverends Jeannie Hunter and Robert Early—Presbytery of Middle Tennessee*.
37. *Reverend Mike Wilson—Downtown Presbyterian Church*. Reverend Mike Wilson serves as Pastor of Downtown Presbyterian Church in Nashville.
38. *Reverend Mary Louise McCullough—Second Presbyterian Church*. Reverend Dr. Mary Louise McCullough serves as Pastor and Head of Staff at Second Presbyterian Church in Nashville.
39. *Reverend C. Nolan Huizenga—Second Presbyterian Church*. Reverend C. Nolan Huizenga serves as Associate Pastor at Second Presbyterian Church, vice chair of the Committee on Ministry for the Presbytery of Middle Tennessee, and as board chair for UKirk Nashville, the Presbyterian campus ministry at Vanderbilt and Belmont Universities.

40. *Reverend Timothy E. Kimbrough—Christ Church Cathedral.* Timothy Kimbrough serves as Dean of Christ Church Cathedral in Nashville. With God's help, Christ Church, a cathedral parish in downtown Nashville, proclaims by word and example the Good News of God in Christ, seeking and serving Christ in all persons.
41. *Dave McNeely.* Dave McNeely is the Coordinator of the Faith & Justice Scholars Program and an Adjunct Professor of Religion at Carson-Newman University in Jefferson City. The Faith & Justice Scholars Program of Carson-Newman University is dedicated to nurturing students toward a life of faith-driven action in solidarity with the most marginalized and oppressed members of our world. Through committed community service and intentional faith development, students are challenged to engage their world through a process of Awareness, Analysis, Advocacy, and Action.
42. *Pastor Brad Raby.* Brad Raby, Lead Pastor of Fellowship Church Pellissippi. For over 20 years, Brad has served churches and non-profits, including ministry among at-risk youth and women. His degree and graduate education work is concentrated in Biblical Theology and Pastoral Counseling. Brad supports this amicus brief, and hope the courts will give special consideration to more restorative measure of justice that provide a pathway for redemption and restoration for juveniles.
43. *Pastor Doug Banister—All Souls Church.* Doug Banister is the pastor of All Souls Church in downtown Knoxville. He helps coach an urban swim team and teaches a course on racial justice through Johnson University and the Knoxville Fellows Program. His has degrees from Northwestern University, Talbot School of Theology, Gordon Conwell Divinity School, and the University of Tennessee. He has also written for several publications, including the Knoxville News Sentinel and Christianity Today.
44. *Pastor Russ Ramsey—Christ Presbyterian Church.* As a family united in Christ and led by Scripture, the congregation of Christ Presbyterian Church exists as a partaker in the movement of God's Kingdom that offers spiritual

life, public faith, mercy and justice, and the integration of faith and work to the people, communities, institutions, and churches of greater Nashville, and through Nashville, the world.

45. *Pastors Jonathan Nash, Elliott Cherry, and Matt Avery—Midtown Fellowship Church.* Midtown Fellowship is one church made up of five congregations in unique parts of Nashville - 12 South, Crieve Hall, East Nashville, West Nashville, and Granny White. We want to be a movement that actually witnesses people being transformed by the life-giving message of Jesus Christ. We believe that we are called to carry out that mission by planting many different congregations through the city of Nashville and beyond.

46. *Mosaic Church.* Mosaic Church is a family of Jesus followers seeking to bring the Kingdom of God to North Knoxville as it is in Heaven.