



**State Appellate Defender Office**

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**Statement of State Appellate Defender Office on Ethan Crumbley’s Appeal**

Ethan Crumbley was a 15-year-old child when he committed a horrific and reprehensible act. The trial court was faced with a choice of whether to sentence Ethan to life without parole—guaranteeing that he would die in prison—or a term of years where Ethan would decades later be eligible to come home. With the evidence the trial court had at the time, it made the decision to sentence Ethan to life without parole, completely foregoing the possibility of his rehabilitation.

This type of sentence for a child goes against what we all know about kids—they change. In the context of the criminal legal system, we also know that children who commit crimes, even brutal and unthinkable crimes, do not go on to be adults who commit crimes. In fact, children who commit crimes have the lowest recidivism rate of just about any population. Studies estimate that the recidivism rate for children sentenced to life without parole is just 1% compared to a national recidivism rate of 40-68% for other age groups. A life without parole sentence for a child is unconscionable.

When the State Appellate Defender Office began representing Ethan, we uncovered new and compelling evidence that does not support a life without parole sentence. A motion was filed today requesting the trial court to review that evidence and to grant a resentencing where that evidence can be explored in more depth and properly considered. Some of that new evidence includes seven witnesses who could have discussed Ethan’s childhood struggles and his mother’s alcohol abuse during pregnancy; the potential impact of Fetal Alcohol Spectrum Disorder on Ethan’s life including the social and emotional maturity of a child younger than their chronological age; and an expert witness to properly present information about Ethan and his childhood rather than one who cut and pasted information from other reports and did not understand the indicia for evaluating a life without parole sentence for a child. This new evidence also sheds light on whether Ethan properly understood his plea when entered, and he is asking the court to review the plea process. Due process requires that every person who pleads must understand what they are doing, this is even more true when the person pleading is a child.

The specifics of these challenges can be found in the pleadings that were filed, which are of public record. The appellate process is vitally necessary to strengthen the integrity of the criminal legal system, and to ensure that Ethan is given a constitutional sentence that is appropriate for a 15-year-old child.

**Ashley Nellis, Ph.D., Co-Director of Research at The Sentencing Project is available to speak about life without parole sentences for children: 202-468-2117.**

**Michigan's State Appellate Defender Office** is the oldest and largest public defender office in the state. Enacted by statute in 1979, SADO provides zealous representation to indigent individuals appealing their felony convictions. To learn more, visit [www.sado.org](http://www.sado.org).