



Michigan State Appellate Defender Office

People v. Stovall (2022) Training for Defenders

December 12, 2022 | 9:30 AM – 4:30 PM | 7 CLE

Information for attendees:

- Register at [this link](#). For questions about registration, contact CDRC Manager Kathy Swedlow at kswedlow@sado.org.
- All sessions will be on Zoom. Sessions will be recorded, and the videos will be available on www.SADO.org to CDRC subscribers.
- The agenda, session descriptions, and faculty biographies follow. Materials will be supplied at the training.

Agenda

9:30 – 9:40 AM	Welcome	
9:40 – 10:35 AM	How did we get here? The history of sentencing children to life in prison and next steps forward	Tina Olson
10:35 – 10:45 AM	Break	
10:45 – 11:40 AM	Social History Investigation	Elizabeth Vartkessian
11:40 – 11:50 AM	Break	
11:50 AM – 12:45 PM	Partnering with your Client: Building trust, interviewing, and preparing for sentencing argument and allocution	Jacqueline Ouvry
12:45 – 1:00 PM	Break	
1:00 – 1:55 PM	Record Collection: Understanding, utilizing, and corroborating	Jessica Carrier
1:55 – 2:05 PM	Break	
2:05 – 3:00 PM	Requesting, understanding, and utilizing MDOC records	Jessica Newton
3:00 – 3:10 PM	Break	
3:10 – 4:05 PM	Mitigation report writing: Narrating your Client's story	Chelsea Richardson
4:05 – 4:30 PM	Q & A	

Session Descriptions and Faculty Biographies

9:40-10:35 AM

How did we get here? The history of sentencing children to life in prison and next steps forward

Tina Olson, SADO

This session will focus on the case law leading up to *People v Stovall* and describe the applicability of those cases in litigating for relief under *Stovall*. Other topics include special considerations of “parolable life” parole hearings, 6.500 litigation under *Stovall*, and consideration of companion sentences.

Tina Olson is the Juvenile Lifer Unit manager at the Michigan State Appellate Defender Office. Before coming to SADO, she was the Chief Appellate Counsel for the Wyoming Office of the State Public Defender. She served as the Chair of the Wyoming Criminal Pattern Jury Instructions Committee for many years. Tina has litigated death penalty cases at trial and on appeal, and currently represents people sentenced as children to life without parole. She has authored articles for many legal publications and presented at numerous trainings on trial and appellate practice. Tina lives in Lansing with her spouse and her very happy dog, Millie.

10:45-11:40 AM

Social History Investigation

Elizabeth Vartkessian, Executive Director, Advancing Real Change

This session will cover the foundations of a mitigation investigation aimed at developing an accurate social history. It will cover the conceptual underpinnings of mitigation, the process for obtaining accurate life history evidence, and provide participants with examples for how the materials can be used in cases.

Elizabeth Vartkessian has been investigating the life histories of those facing the most severe penalties possible in the United States since 2004. She started working as a mitigation specialist in Houston, Texas at a time when it was the epicenter of capital punishment. There she learned and developed skills aimed at helping decision-makers have a full picture of her clients.

After starting a successful private practice and obtaining her Ph.D. in Law from the University of Oxford, Dr. Vartkessian and several colleagues created Advancing Real Change, Inc. (ARC, Inc.) a national non-profit located in Baltimore, MD dedicated to conducting high-quality life history investigations in criminal cases. As the founding

Executive Director, Dr. Vartkessian is committed to having the history of an accused at the forefront of their criminal case. She has worked as a mitigation specialist with defense teams in trial and post-conviction cases in state and federal jurisdictions and is an international expert on the collection and effective presentation of mitigating evidence, as well as the standard of care required by the defense in death penalty and juvenile cases.

Dr. Vartkessian's approach to investigating and presenting evidence is informed by research. She is currently a Research Fellow at the University at Albany in the School of Criminal Justice where she is a researcher with the Capital Jury Project (CJP). The CJP is an ongoing research project sponsored by the National Science Foundation that seeks to understand how capital jurors make their sentencing decisions and whether those decisions are made in keeping with the law. The results of her research were widely cited by the American Bar Association's review of the Texas capital sentencing system. Her publications, which include articles in law reviews, peer review journals, and opinion pieces focus on receptivity to mitigating evidence.

In addition to having received her Ph.D. in Law from the University of Oxford, Dr. Vartkessian also holds a M.S. in Comparative Social Policy from the University of Oxford and B.A.s in Philosophy and Political Science from the George Washington University where she was a Presidential Scholar. In 2015 she was awarded the J. M. K. Innovation Prize for her efforts to bring mitigation to all areas of the criminal justice process. In 2018, the City Council of Baltimore passed a resolution praising Dr. Vartkessian's efforts to bring human dignity into the justice system.

11:50 AM –
12:45 PM

Partnering with your Client: Building trust, interviewing, and preparing for sentencing argument and allocution

Jacqueline Ouwry, SADO

In this session, you will learn best practices for client communication, mitigation interviews with your client, and how you and your client will work together to prepare both for their allocution and your argument at sentencing (learn your lane, and stay in it for success).

Jacqueline C. Ouwry is an Assistant Defender at SADO. She found her calling defending individuals sentenced to serve life without the possibility of parole as juveniles and defending prosecutor parole appeals. She volunteered for SADO's juvenile lifer unit as soon Montgomery was decided in 2016; she's been happily there ever since, witnessing, developing, and telling stories of redemption. Previously, Jackie worked in SADO's plea unit for seven years. She served as a staff attorney on several federally funded grant projects involving social workers at sentencing, mitigation, and reentry work. She taught the plea clinic at Detroit Mercy Law School

in 2016 and currently teaches a plea clinic at Wayne State University Law School. She is a regular presenter at SADO/MAACS and MIDC training events. Jackie served as Chair of the Prisons and Corrections Section from 2015 through 2017 and served on that Section's Council from 2012 through 2018. In 2021, she was appointed by Governor Whitmer to the Protect Michigan Commission to maximize COVID-19 vaccine access, especially for Michigan's prisoners. Jackie spends free time raising vegetables, four kids, and two cats with her hubby in Berkley. She enjoys cooking, poetry, showtunes, Spartan sports, and soccer.

1:00 – 1:55 PM

Record Collection: Understanding, utilizing, and corroborating

Jessica Carrier, Mitigation Specialist

Obtaining a large record file for a client can be exciting but you have to know what you are looking for and how to use it. Records can be used to confirm facts of our case but can also confirm things that are not true about our clients. How do we use them to our advantage? There are many potential records to acquire for a client but are some more important than others? Can records assist in your investigation? How do you recognize red flags in documents? How do you keep track of all of this information and how do you present the information from these records most effectively? These and other questions will be discussed to get your mitigation investigation started in the most efficient way.

Jessica Carrier has worked as a mitigation specialist for the last 5 years. She has worked on juvenile life without parole cases in Michigan, Wisconsin and Illinois, a Philadelphia shaken baby innocence claim, and pretrial death penalty mitigation investigations in Michigan and Georgia.

Prior to that, Jessica worked for 16 years for organizations advocating for children and populations whose voices were not heard. She has worked with kids with behavioral challenges, mental health concerns, learning disabilities, and trauma. This experience gave her the skills to identify and assess mitigation themes and to confirm and understand a person's history. Before working with children and vulnerable populations, Jessica worked as a union organizer for 10 years, conducting hundreds of in-home visits with workers towards the goal of self-advocacy.

Jessica's experience has given her the skills of making people feel comfortable sharing personal and sensitive information, keen listening skills and intuitive understanding of how the information fits into a meaningful narrative. She has worked with school employees, social workers, and diagnostic experts to advocate for children and their needs. She has heard stories and experienced firsthand many of the issues faced by

children growing up in poverty. She has worked with children who suffer from learning disabilities and/or a wide variety of mental health disorders. Jessica understands how each of these challenges play a role in an individual's development, and she has used her experience to provide creative problem solving.

2:05 – 3:00 PM **Requesting, understanding, and utilizing MDOC records**

Jessica Newton, SADO

In this session, attorney Jessica Newton will be giving an overview of how to request our client's records that are maintained by the Michigan Department of Corrections (MDOC), and then how to understand and utilize common items contained within those records. Jessica will provide examples of how she has utilized MDOC records while advocating for better sentencing outcomes. This session is designed for defense team members who have little to no experience with MDOC records.

Jessica Newton is an Assistant Defender at the State Appellate Defender Office. She began working at SADO in the newly-formed Juvenile Lifer Unit in 2016, in the wake of *Montgomery v. Louisiana* 577 US 190 (2016). Jessica primarily represents clients who were sentenced to life imprisonment for crimes they were convicted of committing as children and are now eligible for resentencing. She has also represented clients on direct appeal of their felony convictions. Jessica is passionate about advocating for her clients along with mitigation specialists, investigators, and experts to secure favorable results and second chances for those our society has discarded. Either as lead attorney, co-counsel, or mitigation specialist, Jessica has secured term of years results for numerous clients originally sentenced to life in prison. She believes all of our incarcerated neighbors are worthy of a second chance, and deserve a meaningful opportunity for parole. Jessica received her Bachelor's Degree *with honor* from Michigan State University. She earned her Juris Doctor degree *magna cum laude* with a Certificate of Concentration in Social Justice Advocacy from Stetson University College of Law. She lives with her partner Andrew and their cats in Detroit.

3:10-4:05 PM **Mitigation report writing: Narrating your Client's story**

Chelsea Richardson, SADO

This session will provide an overview of how to write mitigation or social history reports in a persuasive, compelling, and humanizing manner. We will cover the theoretical foundations of mitigation and the factors that

influence sentencing decisions. We will discuss how we can incorporate those factors into compelling, authentic, and dynamic written narratives that produce the best sentencing outcomes.

Chelsea Richardson is a Mitigation Specialist with SADO's Juvenile Lifer Unit in Detroit, where she works primarily with clients sentenced to life imprisonment without the possibility of parole for crimes committed as children. She meets regularly with incarcerated clients, interviews witnesses throughout the state and country, obtains documentary evidence, and prepares social history reports for resentencing hearings. Prior to joining SADO, she worked as a Mitigation Specialist at the Northern Virginia Capital Defender Office, working for clients facing the death penalty at the trial level. Chelsea is passionate about conducting high-quality, thorough, and authentic life history investigations that highlight the humanity and complexity of people who have been accused and convicted of crimes. Chelsea received her Bachelor of Arts in Political Science with a minor in Sociology from Haverford College, where she also completed an award-winning thesis studying the racial, economic, and geographic disparities in the Virginia death penalty. Chelsea lives in Detroit and is currently pursuing her Master of Science in Criminal Justice at Wayne State University as the recipient of the Justice Scholarship.