

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



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July 12, 2011

Hon. John Corbett O'Meara
United States District Court for the
Eastern District of Michigan
200 E. Liberty Street, Suite 400
Ann Arbor, MI 48104

RE: Henry Hill, et. al. v. Snyder, et. al.
No. 5:10-cv-14568
Supplemental Authority

Your Honor:

On May 20, 2011, the Wisconsin Supreme Court issued its opinion in the case of *State v. Ninham*, 316 Wis.2d 776, 767 NW.2d 326 (2011). By this correspondence, I submit that case as supplemental authority in support of the Defendants' pending Motion to Dismiss in the above stated matter.

Applying the approach employed by the United States Supreme Court in *Graham v. Florida*, 130 S. Ct. 2011 (2010), the Wisconsin Supreme Court concluded in *Ninham* that sentencing a juvenile homicide offender to life imprisonment without the possibility of parole is not unconstitutional under the Eighth Amendment. The Court held that such a sentence is neither categorically unconstitutional nor unduly harsh and excessive.

I have attached a copy of the *Ninham* decision for your ease of reference, and would draw the Court's attention to Sections III (A) and (B) [pp. 16-44].

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Froehlich", written over a horizontal line.

Joseph T. Froehlich
Assistant Attorney General

JTF

c: Daniel S. Korobkin
Michael J. Steinberg
Deorah A. Labelle
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Enclosure