

Firm News

CLIENT SERVICES

Litigation & Disputes

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Neal Gerber Eisenberg Wins Motion to Reduce Client's Life Sentence

On September 27, 2016, the Litigation team of Jerry M. Santangelo, Gregory G. Forfa and Valerie R. Ready prevailed before Judge Arthur Hill of the Cook County Circuit Court in eliminating the possibility of a life sentence for Eric Anderson at his resentencing on two counts of first degree murder stemming from a 1995 shooting.

The Litigation team has represented Mr. Anderson pro bono since vacating his mandatory life sentence in March 2015. The sentence was vacated based on the U.S. Supreme Court's ruling in *Miller* that mandatory life sentences for juveniles are cruel and unusual punishment in violation of the Eighth Amendment.

Mr. Anderson was 15 years old at the time of the December 1995 shooting deaths and has been incarcerated for 21 years, primarily in maximum security prisons. After his sentence of life without parole was vacated, he has been held in Cook County jail for the past 18 months awaiting resentencing.

The Litigation team filed a motion to set the permissible sentencing range as 20 to 60 years, and that Mr. Anderson is not subject to any potential "discretionary" life sentence under the applicable 1995 sentencing statutes as applied to the two general jury verdicts finding Eric guilty of first degree murder. Judge Hill agreed with the team's arguments presented in



memoranda and during extensive oral argument the previous month.

In rendering its ruling, the Court held that Mr. Anderson can only be sentenced to 20 to 60 years, and there is no statutory authorization for the Court to consider sentencing him to another life sentence. The Court rejected the State's arguments that the mandatory life statute for more than one first degree murder conviction could be construed as authorizing a discretionary life sentence. The Court ruled that *Apprendi/Swift* prohibits any of the discretionary life sentences from applying, and that the death penalty's aggravating factors only apply in the sentencing of those over 18 years old.

This is the first ruling that eliminates the possibility of a discretionary life sentence for the 108 *Miller* defendants in Illinois whose mandatory life sentences were vacated, and several of whom have been resentenced to life imprisonment.

The Litigation team is actively preparing for Mr. Anderson's upcoming re-sentencing hearing.