



**Media Contact:**

Heather Hansen  
Humanity Communications Collective  
[Heather@humanitycom.com](mailto:Heather@humanitycom.com)  
410-991-4444

## **SUNDIATA ACOLI LEGAL CASE BACKGROUNDER**

Sundiata Acoli, birth name Clark Edward Squire, was arrested in 1973 and convicted of first-degree murder in 1974 and sentenced to life with the possibility of parole in 1999. He has been eligible for parole since 1993 but denied eight times.

The New Jersey State Parole Board denied parole to Sundiata in 2011 and issued a Future Eligibility Term (FET) of 120 months or 10 years.

In 2014, the appellate division unanimously reversed that decision. In 2016, the Board said it had not conducted a testimonial hearing before judicial review. A hearing was held, and the Board denied parole for near-identical reasons as the 2011 denial.

In 2019, the New Jersey Supreme Court reversed the 2014 reversal, upholding the denial of parole.

At the end of 2020, an Appellate Brief was filed on Sundiata's behalf in support of his appeal as of right to the New Jersey Supreme Court. It is based on the opinion of the Hon. Garry S. Rothstadt, J.A.D., who dissented from the Court's 2019 decision. Judge Rothstadt dissented on the ground that there was no evidence to support the continued denial of parole.

New Jersey law states that a defendant who committed a crime before August 1997 be paroled unless the panel determines that the defendant poses a risk to public safety or presents a substantial risk of recidivism and therefore cannot be eligible for parole. The burden of proof rests with the state to provide evidence of that substantial risk.

Last year, seven amicus briefs were filed with the Supreme Court of New Jersey, Docket No. 083980. Amicus Curiae is the Latin phrase that means "friend of the court." Frequently, a person or group who is not a party to an action, but has a strong interest in the matter, will petition the

court for permission to submit a brief in the action with the intent of influencing the court's decision. Such briefs are called "amicus briefs."

The briefs focus on issues that are germane to Acoli's case including Aging and Recidivism, Parole Board Bias, Due Process, Racial Disparities in Parole, and First Amendment violations.

Organizations behind the briefs include:

- National Black Law Enforcement Association
- The Black Police Experience
- Blacks In Law Enforcement Of America
- Grand Council of Guardians, Inc.
- American Friends Service Committee
- American Civil Liberties Union of New Jersey
- New Jersey Office of the Public Defender
- National Conference of Black Lawyers
- Center for Constitutional Rights
- Association Of Criminal Defense Lawyers Of New Jersey

With attorneys from organizations including:

- Charles Hamilton Houston Institute for Race & Justice, Harvard Law School
- Howard University School Of Law Movement Lawyering Clinic
- Center for Social Justice, Seton Hall Law School
- Rutgers Constitutional Rights Clinic Center for Law & Justice
- Gibbons P.C.
- Pashman Stein Walder Hayden P.C.

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