

Court of Appeals
of the
State of New York

THE PEOPLE OF THE STATE OF NEW YORK,

Respondent,

– against –

JAVYON J. OGDEN,

Defendant-Appellant.

**BRIEF AMICI CURIAE OF THE AMERICAN PSYCHOLOGICAL
ASSOCIATION, THE NEW YORK STATE PSYCHOLOGICAL
ASSOCIATION, THE NATIONAL ASSOCIATION OF SOCIAL
WORKERS, AND THE AMERICAN ASSOCIATION FOR MARRIAGE
AND FAMILY THERAPY IN SUPPORT OF DEFENDANT-APPELLANT**

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August 3, 2026

**pro hac vice pending*

CORPORATE DISCLOSURE STATEMENT

The American Psychological Association (“APA”) is a not-for-profit, non-stock corporation incorporated under the laws of the District of Columbia and organized under section 501(c)(3) of the Internal Revenue Code. Pursuant to this Court’s Rules 500.1(f) and 500.13(a), APA states that it does not have any corporate parents, subsidiaries or affiliates, and that its purpose is to advance psychology as a science and profession and as a means of promoting health, educating, and human welfare.

The New York State Psychological Association (“NYSPA”) is a not-for-profit, non-stock corporation incorporated under the laws of the State of New York and designated under sections 501(c)(6) and 501(c) (3) of the Internal Revenue Code. Pursuant to this Court’s Rules 500.1(f) and 500.13(a), NYSPA states that it does not have any corporate parents, subsidiaries or affiliates, other than the Foundation of the New York State Psychological Association, Inc. (an NYSPA affiliate), and that NYSPA’s mission is to advance the science and practice of psychology as a means of promoting human welfare.

The National Association of Social Workers (“NASW”) is a Delaware not-for-profit corporation recognized as tax-exempt under section 501(c)(6) of the Internal Revenue Code. Pursuant to Rules 500.1(f) and 500.13(a) of this Court, NASW states that it has no parent corporation. NASW Assurance Services, Inc.

(“ASI”) is a wholly owned subsidiary of NASW. NASW Insurance Company, Inc., in turn, is a wholly owned subsidiary of ASI. The National Association of Social Workers Foundation (“NASW Foundation”), a tax-exempt charitable organization under section 501(c)(3) of the Internal Revenue Code, was created to support NASW’s educational, research, and charitable initiatives. NASW has no other corporate parents, subsidiaries, or affiliates.

The American Association for Marriage and Family Therapy (“AAMFT”) is a not-for-profit, non-stock corporation incorporated under the laws of the District of Columbia and organized under section 501(c)(6) of the Internal Revenue Code. Pursuant to this Court’s Rules 500.1(f) and 500.13(a), AAMFT states that it has a subsidiary corporation, the Foundation for the Advancement of Human Systems, and four affiliates, the Georgia Association for Marriage and Family Therapy, the North Carolina Association for Marriage and Family Therapy, the Tennessee Association for Marriage and Family Therapy, and the Washington Association for Marriage and Family Therapy.

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OTHER AUTHORITIES

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UCLA Center for the Developing Adolescent, <i>Decision Making & Emotional Regulation</i> , available at https://developingadolescent.ucla.edu/resource/decision-making-emotional-regulation/ (visited August 3, 2026)	27
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Zottoli, Tina M., et al., <i>Plea Discounts, Time Pressures, and False-Guilty Pleas in Youth and Adults who Pleaded Guilty to Felonies in New York City</i> , 22 Psychol. Pub. Pol'y & Law 250 (2016)	25
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INTERESTS OF AMICI CURIAE

The American Psychological Association is the leading association of psychologists in the United States. A non-profit scientific and professional organization, APA has approximately 190,000 members and affiliates, including most psychologists holding doctoral degrees from accredited universities in the United States. Among APA's major purposes are to increase and disseminate knowledge regarding human behavior, to advance psychology as a science and profession, and to foster the application of psychological learning to important human concerns, thereby promoting health, education, and welfare.

APA has filed more than 200 amicus briefs in courts nationwide, including this Court. *See, e.g., Moore v. Texas*, 581 U.S. 1 (2017); *Perry v. New Hampshire*, 565 U.S. 228 (2012); *Warney v. State*, 16 N.Y.3d 428 (2011). These briefs have been cited frequently by courts in support of their decisions, including as recently as last week. *See, e.g., People v. Madison*, 2026 WL 2212896, at *12-13 (Mich. July 31, 2026); *Hall v. Florida*, 572 U.S. 701, 710-713, 722-723 (2014).

APA has a rigorous approval process for amicus briefs, the touchstone of which is an assessment of whether the case is one in which there is sufficient scientific research, data, and literature on a question before a court that APA can usefully contribute to the court's understanding and resolution of that question. APA regards this as one of those cases. Substantial recent psychological research

addresses the developmental capacities of adolescents to knowingly, intelligently, and voluntarily waive appellate rights in connection with a plea agreement.

The New York State Psychological Association is a non-profit professional association dedicated to advancing the science and practice of psychology as a means of promoting human welfare. NYSPA has long played a leading role in the development of psychology as a profession, including through advocacy for legal recognition of psychology and the development of professional ethical standards. NYSPA joins this brief because the case presents an issue of great importance to psychologists, courts, and young people in New York: how adolescent cognitive and psychosocial development bears on whether an adolescent defendant can knowingly, intelligently, and voluntarily waive appellate rights in connection with a guilty plea.

The National Association of Social Workers is the largest association of professional social workers in the United States, with 54 chapters. NASW promulgates professional policies, conducts and publishes research, provides continuing education, and enforces the NASW Code of Ethics. NASW supports the continued movement toward assisting children and youths who enter the juvenile criminal-justice system in a manner commensurate with their age, developmental level, and ability to differentiate between right and wrong. Consistent with that policy, NASW supports consideration of adolescent development when courts

determine whether a young person knowingly, intelligently, and voluntarily waived an important legal right.

AAMFT is the national professional association representing the field of marriage and family therapy and the professional interests of over 81,000 marriage and family therapists throughout the United States. AAMFT stands as the organizational thought leader in and advocate of systemic and relational therapies. AAMFT joins this brief because the case presents issues concerning adolescent cognitive and psychosocial development that are directly relevant to understanding a young person's decision-making capacities in legal settings, including the ability to knowingly, intelligently, and voluntarily waive important legal rights. AAMFT has a strong interest in ensuring that courts have access to the best available scientific research and data when evaluating legal questions involving adolescents.*

QUESTION PRESENTED & PRELIMINARY STATEMENT

This appeal asks whether, by accepting a plea deal waiving appellate rights, a juvenile defendant knowingly, intelligently, and voluntarily waived his right to challenge on appeal the denial of a motion to remand his case to Family Court. Psychological research casts substantial doubt on adolescents' ability to make a

* Amici gratefully acknowledge the assistance of Tarika Daftary-Kapur, PhD; Joel Dvoskin, PhD; Melanie B. Fessinger, PhD; Craig Haney, PhD, JD; Emily Haney-Caron, JD, PhD; Margaret Kovera, PhD; Raina Lamade, PhD; and Stephanie Tabashneck, PsyD, JD.

knowing, intelligent, and voluntary decision to waive such a right. Adolescents are capable of making well-reasoned, informed decisions under certain circumstances, but psychological research consistently shows that their decision-making in legal contexts reflects tendencies to take risks, to focus on short-term gains rather than long-term consequences, and to defer to authority figures. Research in the field of developmental psychology helps explain these decision-making patterns. The adolescent brain is still developing the cognitive and psychosocial capacities for mature decision-making, meaning that adolescents are more vulnerable than adults to external forces that may interfere in the legal decision-making process—including time pressure and the influence of authority figures. And the decision whether to accept a plea deal and waive rights occurs in a uniquely unfamiliar, high-pressure, adversarial setting in which adolescent defendants are unlikely to fully understand the process. Adolescents in the criminal-justice system are also likely to be subject to influence from numerous authority figures, such as prosecutors, defense attorneys, judges, and parents, who often have their own interests that may differ from an adolescent's. Together, adolescents' stage of cognitive and psychosocial development, combined with the complex and coercive circumstances of plea-bargaining negotiations, likely affects adolescents' ability to knowingly, intelligently, and voluntarily waive the appellate right at issue here.

I. During adolescence and late adolescence—generally defined as age 10 through the early 20s—the brain undergoes significant structural and functional developments crucial to mature decision-making in legal contexts. In particular, the prefrontal cortex, which is the part of the brain responsible for advanced cognition and judgment, continued developing into approximately the mid-20s. The parts of the brain responsible for emotional processing and reward seeking, meanwhile, not only develop much sooner but are also particularly reactive during adolescence.

II. This developmental asynchrony between cognitive and emotional maturity can affect adolescent decision-making in legal contexts in ways likely to affect their ability to knowingly, intelligently, and voluntarily waive rights like the right to appeal the denial of a motion to remand to Family Court.

First, incomplete cognitive development can constrain adolescents’ capacity for language comprehension and abstract thought, thereby limiting the ability of some to truly understand the unfamiliar and abstract concepts implicated in a plea agreement, such as waivers of appellate rights. At the most basic level, one cannot knowingly enter a plea agreement without understanding its terms, and studies consistently show that most adolescents fail to understand even the key terms or concepts in plea agreements. Moreover, deciding whether to accept a plea agreement requires balancing many future legal risks and consequences—which are often remote and abstract. And development studies show that adolescents may be

particularly susceptible to poor decision-making in legal contexts because they are less able than adults to conceptualize abstract ideas and consider multiple ideas simultaneously. These concerns are particularly salient with respect to waiving the right to appeal the denial of a motion to remand to Family Court, as concepts like appellate waivers and the issues they do or do not encompass are likely unfamiliar and quite abstract to most adolescents.

Second, even where adolescents can understand plea agreements and their potential consequences, their delayed psychosocial development can inhibit their ability to intelligently assess and weigh various legal consequences, and to make voluntary legal decisions based on any such assessments. Socio-emotional immaturity and the relative underdevelopment of the prefrontal cortex as compared to the emotional and reward-seeking parts of the brain can predispose adolescents not only to seek immediate over delayed benefits, but also to discount the likelihood and gravity of future risks and consequences. These qualities can also make them more vulnerable to the negative effects of the stress and time pressure that often accompany plea bargaining. Thus, while scientists generally consider adolescents capable of mature decision-making under circumstances that allow them to deliberate carefully, their ability to fully assess and weigh risks and consequences is likely to be significantly diminished in high-pressure, fast-paced, adversarial legal situations. This is especially true when the decision being made concerns abstract

concepts or possible future events with which most adolescents have no prior experience. Because deciding whether to plead guilty is almost invariably high-pressure and stressful, often occurring within short time spans and with limited opportunity to fully discuss the complex and unfamiliar consequences with those capable of providing advice, adolescents are far more likely than adults to accept a plea agreement based on what they perceive to be its immediate benefits (like ending a legal proceeding), without fully considering the possible future consequences of pleading guilty, including waiving appellate rights. Moreover, adolescents' greater sensitivity to social and emotional cues means they are more susceptible to pressure from authority figures, including, in this context, prosecutors, defense attorneys, judges, and parents. Such figures may directly or indirectly exert significant control over an adolescent's decision whether to accept a plea.

Put simply, psychological research regarding adolescents' capacity for mature decision-making, particularly in situations like plea bargaining, suggests that an adolescent's decision to waive rights like the right to appeal the denial of a motion to remand to Family Court is unlikely to be knowing, intelligent, and voluntary.

ARGUMENT

I. THE PARTS OF THE BRAIN ESSENTIAL TO DECISION-MAKING ARE AMONG THE LAST TO MATURE

Deciding whether to accept a plea agreement and waive appellate rights typically requires identifying and weighing possible legal risks and benefits, and

doing so in high-pressure and fast-paced circumstances that are stressful, unfamiliar, and adversarial. Decision-making in this context requires a degree of socio-emotional maturity that many adolescents lack, in part because it requires interaction between (1) the parts of the brain responsible for executive functions like impulse control, planning, and cognitive flexibility (including the frontal lobe and the prefrontal cortex) and (2) the parts responsible for emotional processing and reward seeking (including the limbic and mesolimbic systems, often referred to as the brain's "reward pathways"). See Schad, *Adolescent Decision Making*, 14 J. Health Care L. & Pol'y 375, 377 (2011). But both structurally and functionally, the adolescent brain is still developing the capacities for mature decision-making. In particular, structural imbalances and limited communication between the parts of the adolescent brain responsible for executive functioning and those responsible for emotional processing/reward seeking means that, particularly in high-pressure, fast-paced situations such as plea bargaining, adolescents' "relatively immature self-regulation may be ineffective in overriding the drive of the reward system." Icenogle & Cauffman, *Adolescent Decision Making*, 31 J. of Research on Adolescence 1006, 1008-1010 (2021).

A. Structurally, the adolescent brain is predisposed to socioemotional sensitivity rather than complex or abstract thought, in part because the capacity for processing social and emotional cues, a capacity localized in the limbic system,

“mature[s] rapidly ... starting at the onset of puberty.” Icenogle & Cauffman, *supra*, at 1009. Additionally, the number of dopamine receptors in the brain increases with the onset of puberty. Schad, *supra*, at 378. As dopamine is a key neurotransmitter in the brain’s reward pathways, the rapid increase in dopamine receptors in adolescents “strongly motivate[es]” them to “seek rewards or engage in rewarding behavior.” *Id.*

By contrast, the region of the brain—localized in the prefrontal cortex—that supports abstract thought, planning, and self-regulation develops more gradually through adolescence and into adulthood. Icenogle & Cauffman, *supra*, at 1009. Indeed, the frontal lobe (which houses the prefrontal cortex) is “the last area of the brain to develop—and thus the most underdeveloped in juveniles.” Terregrossa-O’Connor, *New Jersey’s Juvenile Waiver Reform and the Nexus Between Adolescent Development and Criminal Responsibility*, 2015 N.J. Law 16, 18 (2015). Specifically, the frontal lobe generally does not reach full maturity until early adulthood, typically around age 25 or later. *Id.*; accord Dumontheil, *Development of abstract thinking during childhood and adolescence*, 10 Dev. Cognitive Neurosci. 57, 59-62 (2014).

This “developmental asynchrony” between the limbic and mesolimbic systems, on the one hand, and frontal lobe, on the other, “creates a window in which adolescents are especially attuned to rewards” and emotionally reactive “but ill

equipped” to self-regulate. Icenogle & Cauffman, *supra*, at 1010. In other words, people are prone to “[g]reater emotional reactivity and sensitivity during adolescence.” Casey et al., *The Adolescent Brain*, 1124 Ann. N.Y. Acad. Sci. 111, 111 (2008).

B. The development of the adolescent brain also includes ongoing processes that facilitate efficient communication among different regions. In particular, throughout adolescence, the brain goes through “myelination,” whereby “fatty, insulating material known as myelin wraps around the axon” of neurons, which are what “conduct ... electrical impulse[s]” through the brain. LaMontagne, *Children Under Pressure*, 41 W. St. U. L. Rev. 29, 35 (2013). This “enhances the efficiency of information processing by increasing the speed” of transmissions between neurons. Schad, *supra*, at 379 (quotation marks omitted). But “decision making that requires interaction of both the cognitive and limbic systems[] does not fully mature until the process of myelination ... is complete.” *Id.* at 382.

The capacity for efficient information processing also increases throughout adolescence through a process called synaptic pruning. Schad, *supra*, at 379. Synapses are the points where neurons connect and communicate. While young children develop excess synapses to foster flexibility during times of rapid growth, synapses are gradually pruned throughout adolescence. LaMontagne, *supra*, at 35.

This pruning enhances efficiency by eliminating infrequently used connections and strengthening those that are frequently used. *Id.*

C. Together, the continued development of the prefrontal cortex and increasingly efficient neurotransmission through myelination and synaptic pruning result in “improvements over the course of adolescence in many aspects of executive function, such as response inhibition, planning, weighing risks and rewards, and the simultaneous consideration of multiple sources of information.” Schad, *supra*, at 380. But because these processes are not complete until the mid-20s or later, the adolescent brain is generally less well-equipped than the adult brain for the type of decision-making required for plea bargaining, especially waiver of abstract and unfamiliar rights such as those regarding appellate review. Icenogle & Cauffman, *supra*, at 1006. As explained below, these structural and functional constraints limit adolescents’ abilities to understand even the basic terms and consequences of plea agreements, to fully assess and weigh the consequences of pleading guilty, and to make plea decisions independent from external pressure—that is, these constraints impair adolescents’ capacity to knowingly, intelligently, and voluntarily waive appellate rights.

II. ADOLESCENTS’ COGNITIVE IMMATURITY AFFECTS LANGUAGE COMPREHENSION AND ABSTRACT THOUGHT

Whether to waive appellate rights as part of a plea agreement is a complicated decision. It requires identifying, assessing, and weighing legal considerations that

will often be abstract and unfamiliar. These include the agreement's terms, the strength of the state's evidence and hence the range of possible outcomes at trial, perceptions of an attorney's skill, and the immediate and long-term direct and collateral consequences of waiving appellate rights as part of the guilty plea. The typical adolescent's ability to knowingly, intelligently, and voluntarily make this complicated decision is greatly compromised by adolescents' socio-emotional and neuro-developmental immaturity. As discussed, research has shown that the prefrontal cortex—responsible for higher-level cognition, including abstract reasoning—is the last part of the brain to mature. And an underdeveloped prefrontal cortex can affect adolescents' ability to understand the consequences of appellate waivers in plea agreements in two ways: (1) their limited facility with complex language and abstract ideas may impair their ability to fully comprehend key legal terms of a plea agreement and (2) their limited capacity for abstract reasoning may impair their ability to identify and weigh future legal consequences.

A. Adolescents generally have a low comprehension of complex language compared to adults. Language comprehension develops throughout adolescence, in “parallel to the maturation” and “increased connectivity between the temporal and frontal lobes ([the] language areas) and other brain structures.” Rosselli et al., *Language Development across the Life Span* 5, Neurosci. J. (2014) (manuscript), <https://onlinelibrary.wiley.com/doi/epdf/10.1155/2014/585237>. Indeed, research

shows that increases in verbal fluency and vocabulary correspond with the myelination and synaptic pruning that continues throughout adolescence. *Id.* at 6. In particular, complex language comprehension may be connected to synaptic pruning in the temporal lobe, which continues through late adolescence. *Id.*

This research is relevant here because legal language and concepts are notoriously difficult to comprehend. In fact, in a study of vocabulary words taken directly from tender-of-plea forms or oral plea colloquies, even *adults* scored an average of 21 out of a possible 38 points (55%), reflecting only partial understanding of many of the included terms. Redlich & Shteynberg, *To Plead or Not to Plead*, 40 Law & Hum. Behav. 611, 622 (2016). Adolescents' comprehension of legal terms and concepts is even poorer. Indeed, on the same vocabulary test, adolescents scored significantly lower than adults, earning an average of 14 out of 38 points (36%). *Id.* In another study, even adolescents who received basic instructions regarding plea bargaining could define only about 15 of legal terms routinely used in plea colloquies and forms. Kaban & Quinlan, *Rethinking a "Knowing, Intelligent, and Voluntary Waiver" in Massachusetts' Juvenile Court*, 5 J. of the Center for Families, Children & Courts 1, 7-8 (2004). Similar deficiencies have been demonstrated across other legal contexts, including understanding of Miranda waivers, basic courtroom procedures, and trial rights. For example, in one study, 63% of juveniles surveyed but only 37% of adults misunderstood at least one key word in typical Miranda

warnings—including terms like “consult,” “attorney,” and “right.” Grisso, *Juveniles’ Capacities to Waive Miranda Rights*, 68 Cal. L. Rev. 1134 (1980); see also LaMontagne, *supra*, at 41 (discussing Grisso). It is a “consistent and robust finding in the psycho-legal literature” that adolescents “have deficiencies in legal knowledge,” including in the ability to define key terms used in plea agreements—which is foundational to a knowing waiver of appellate rights. Redlich & Shteynberg, *supra*, at 622.

Beyond struggling to define key terminology, adults and (especially) adolescents demonstrate a limited understanding of basic legal principles and processes relevant to appreciating the significance of a plea agreement. In a study of 99 adults who had pleaded guilty, most reported that they understood the plea process and the consequences of pleading guilty. However, on a measure of objective comprehension, most of the adults scored less than 60% across questions assessing their rights and the consequences of pleading guilty. Given that these concepts are difficult for adults to understand, it follows that they are even more difficult for adolescents. Indeed, interviews of adolescents and adults in the New York criminal justice system have shown that only 71% of adolescents, compared to 94% of adults, recognized that a guilty plea results in a criminal record. Zottoli & Daftary-Kapur, *Guilty Pleas of Youths and Adults*, 43 Law & Hum. Behav. 166, 170 (2019). Similarly, only 67% of adolescents, compared to 94% of adults, had a

rudimentary understanding of what a criminal trial entails—including that, at trial, prosecutors must prove their case beyond a reasonable doubt and that the defendant may present and challenge evidence. *Id.*

In short, psychological research demonstrates that adolescents are “less likely than adults to understand their rights.” Monahan et al., *Juvenile Justice Policy and Practice*, 44 *Crime & Just.* 577, 593 (2015).

That relative lack of understanding leads to a reduced ability to assert—rather than waive—one’s right. One study, for example, showed that even among adolescents who “acknowledged having a right to trial,” less than 30% “fully understood the meaning of that right.” Zottoli & Daftary-Kapur, *supra*, at 175. By contrast, nearly all adults “who acknowledged they could go to trial understood what that meant.” *Id.* Adolescents’ lack of understanding of the right to go to trial may, in part, help explain why they are more likely than adults to falsely plead guilty. *Id.* at 175-176. Similarly, research in the analogous context of *Miranda* warnings has found that comprehension of such warnings is significantly related to the invocation of one’s rights. One study, for instance, found that only 25% of adolescents who waived their *Miranda* rights demonstrated a basic understanding of them, whereas 84% of those who asserted their rights understood. ScaAN, *Scientific Support for a Developmentally Informed Approach to Miranda Rights* 2 (May 2, 2018), <https://scaan.net/docs/20180607-MirandaReport.pdf>. These findings underscore a

basic point: Understanding one's rights is essential to protecting them. Adolescents who struggle to understand the key terms and consequences of a plea agreement and the significance of the legal context in which a plea deal is struck thus cannot knowingly and intelligently decide to waive their rights.

2. Adolescents also have a more limited capacity compared to adults for the type of abstract thought involved in deciding to waive appellate rights as part of a plea bargain, which may hinder their ability to fully grasp the future-oriented consequences of doing so. Abstract thinking requires “the manipulation of self-generated thoughts, or thoughts that are not directly connected to the environment.” Dumontheil, *supra*, at 59. Neuroimaging studies have shown that the capacity for that kind of thinking—that is, “the ability to detach oneself from the environment and to elaborate, evaluate and maintain abstract rules and information”—lies in the prefrontal cortex. *Id.* Accordingly, the capacity for abstract thought continues to develop throughout adolescence as the prefrontal cortex matures. *See, e.g.,* Gogtay & Thompson, *Mapping Gray Matter, Development*, 72 *Brain & Cognition* 6, 7 (2010). Studies have demonstrated, for example, steep improvements in late adolescence in tasks requiring participants to manipulate self-generated, as opposed to perceptual or stimulus-oriented, inputs. Dumontheil, *supra*, at 60. In one study, participants were asked to classify the letters of the alphabet based on whether the upper-case letter contains a curve; some participants were shown images of the

relevant letters during the task while others were not. *Id.* The speed and accuracy of categorization without a visual stimulus—that is, based only on self-generated inputs—improved sharply until about age 20. *Id.* at 60-61.

Adolescents also have a lower capacity compared to adults for the type of abstract reasoning involved in waiving appellate rights as part of a plea, reasoning that requires the simultaneous consideration of multiple concepts. Dumontheil, *supra*, at 62. One study, for instance, showed significant differences across age groups in the ability to identify and compare changes in pairs of shapes across multiple dimensions (such as size, shape, and texture). *Id.* Specifically, while performance on the task increased in late childhood, performance then dipped among 11- to 14-year-olds, with gradual improvements to adult levels throughout late adolescence. *Id.* Researchers attribute these changes to developments throughout adolescence in working memory and inhibitory control (that is, resisting distractions)—capacities again connected to the prefrontal cortex. *Id.* at 59, 62.

This research bears on the issue here because fully comprehending a plea agreement’s appellate waivers requires simultaneously taking multiple complex and unfamiliar legal contingencies and consequences into account, including the strength of one’s defense in comparison to the state’s case and the consequences (often abstract and remote) of waiving rights by pleading guilty. But adolescents’ relatively limited capacities for this type of abstract reasoning may constrain their

ability to understand all this. For example, studies administering the MacArthur Competence Assessment Tool-Criminal Adjudication—a test commonly used to assess adults’ competency to stand trial—show a diminished ability among adolescents to engage in legal reasoning—including “process[ing] information for legal decision making” and assessing the relevance of information to one’s circumstances. Grisso et al., *Juveniles’ Competence to Stand Trial*, 27 Law & Hum. Behav. 333, 336, 340, 343. These studies show that the capacity for this kind of legal reasoning improves gradually throughout adolescence, with 11- to 13-year-olds performing significantly worse than 14- to 15-year-olds, who in turn perform significantly worse than 16- to 17-year-olds. *Id.* at 343.

Similarly, adolescents’ limited capacity to manipulate self-generated thought may affect their ability to conceptualize abstract and remote legal risks and consequences associated with waiving appellate rights in a plea agreement. Interviews of adolescents and adults in New York’s criminal-justice system, for example, have shown that when deciding whether to accept a plea deal, adolescents “considered fewer potential outcomes” and were “less likely to contemplate negative consequences” of pleading guilty, particularly consequences for aspects of life they had not yet experienced. Zottoli & Daftary-Kapur, *supra*, at 167, 176. This suggests that adolescents are “less capable than adults of generating the full range of potential outcomes” associated with waiving appellate rights by pleading guilty. *Id.* at 176.

And as this Court has explained, a defendant who cannot fully grasp the future stakes is ill-equipped to “full[y] understand[] ... both what the plea entails and its attendant consequences so that he or she may, in turn, knowingly, voluntarily and intelligently choose among alternative courses of action,” *People v. Bolivar*, 986 N.Y.S.2d 631, 633 n.2 (App. Div. 2014) (quotation marks omitted). These concerns appear directly relevant to waiving the right to appeal the determination of whether a case should proceed in adult or family court, given the abstract nature of appellate rights generally and what appellate challenges may and may not be waived.

Compounding these problems, studies suggest that adolescents typically do not have much opportunity to discuss plea-agreement terms and consequences with their attorneys. One study found that adolescent defendants met with their attorneys on average fewer than three times before making a plea decision and received very limited information about plea deals. Daftary-Kapur & Zottoli, *A First Look at the Plea Deal Experiences of Juveniles Tried in Adult Court*, 13 Int’l J. of Forensic Mental Health 323, 333 (2014). Indeed, half reported simply being told they would go to jail if they rejected the plea deal. *Id.*

III. ADOLESCENTS’ DELAYED PSYCHOSOCIAL DEVELOPMENT CAN AFFECT THEIR ABILITY TO ENGAGE IN AND MAKE MATURE LEGAL DECISIONS

In addition to cognitive constraints, psychosocial biases in how adolescents process information and weigh risks contribute to their limited decision-making capabilities in the context this case involves. Specifically, adolescents are

predisposed compared to adults to seek immediate over remote benefits and to discount the gravity of future risks and consequences. Despite those predispositions, psychologists generally consider adolescents capable of mature decision-making in more supportive situations that allow slow, cool-headed deliberation. But adolescents' decision-making capabilities are more limited when they are required to make complex, unfamiliar decisions under pressure—which studies show is often the case when making plea decisions. Under those circumstances, adolescents may fail to fully consider and weigh the potential consequences of waiving appellate rights by pleading guilty. Especially in an unfamiliar legal context, adolescents are likely to be highly susceptible to the influence of authority figures, meaning their choices are more likely than adults' to reflect conformance with social pressures rather than self-directed decision-making. These psychosocial tendencies cast doubt on whether an adolescent's acceptance of a plea deal reflects his or her intelligent and voluntary relinquishment of rights like the right to appeal denial of a motion to remand to Family Court.

A. Adolescents Tend To Focus More on Immediate Rewards than Long-Term Outcomes

1. Adolescents are neurologically predisposed to seek immediate over delayed benefits. This relates to a proliferation of dopamine receptors in the brain during adolescence. Hartley & Somerville, *The Neuroscience of Adolescent Decision-Making*, 5 Current Opin. Behav. Sci. 108, 109 (2015); Schad, *supra*, at

378. As explained, dopamine is a key neurotransmitter in the brain's reward pathways, "strongly motivating individuals to seek rewards." Schad, *supra*, at 378. The increase in dopamine receptors helps account for adolescents' tendencies to seek rewards. Similarly, the relative underdevelopment of the prefrontal cortex as well as the limited connectivity between the prefrontal cortex and reward pathways in the limbic system help explain why adolescents are less able to regulate reward-seeking impulses. *Id.*; Hartley & Somerville, *supra*, at 111-112. As a result, adolescents are more likely than adults to prioritize receiving a smaller benefit sooner rather than a larger benefit in the future. *See* Icenogle & Cauffman, *supra*, at 1010. In one study, for example, when asked to choose between receiving \$5 immediately and \$50 in a month, adolescents were more likely than adults to select the immediate \$5 reward. ScAAN, *supra*, at 3.

Adolescents' predisposition to favor immediate rewards shapes how they approach plea bargaining. Studies show that in deciding whether to plead guilty, adolescents consider fewer potential outcomes in their decision-making and are more likely to decide based on immediate benefits of pleading guilty. Zottoli & Daftary-Kapur, *supra*, at 176. For instance, when asked what good or bad consequences they contemplated in their decision-making, adolescents named about half as many consequences as adults. *Id.* Adolescents were also more likely than adults to say that their primary reason for pleading guilty was to "end the legal

process,” reflecting a prioritization of immediate benefits. *Id.* Additionally, because the consequences of waiving rights in connection with a plea agreement—including appeal rights—may manifest, if at all, only months or years in the future, adolescents’ “bias toward prioritizing immediate over future” benefits may lead them to discount benefits associated with such rights. ScAAN, *supra*, at 3. In other words, the drive to obtain the immediate benefit of ending a criminal proceeding may lead adolescents to fail to meaningfully consider the possible future benefits associated with rights waived in a plea deal.

2. The same neuropsychological imbalances responsible for adolescents’ reward-seeking also makes them more likely to discount the gravity of future risks and consequences. The fact that the prefrontal cortex develops more slowly than the brain’s reward pathways limits adolescents’ capacity for deliberation and sophisticated decision-making. Schad, *supra*, at 377-379. Even where adolescents are aware of risks, they assess those risks differently from adults. Cohen & Mandelbaum, *Kids Will Be Kids*, 79 Temple. L. Rev. 357, 364 (2006). Studies show, for example, that adolescents “focus less on protection against losses than on opportunities for gains,” and “weigh the negative consequences of *not* engaging in risky behavior more heavily than adults.” *Id.* (quotation marks omitted). In studies involving simulated plea bargaining, adolescents identified fewer risks associated with accepting a plea deal than did young adults, were less likely to identify long-

term risks, and reported both a lower likelihood of risks materializing and a lower gravity of the risks they did identify. Grisso et al., *supra*, at 341, 353-354. Other studies have similarly shown that in deciding whether to plead guilty, adolescents were less likely than adults to attempt to weigh the relative odds of possible consequences. Redlich & Shteynberg, *supra*, at 612. And research consistently finds that adolescents tend to underweight the possible long-term direct and collateral consequences associated with plea agreements. See Wilford & Frazier, “... give me a lawyer, dawg” 2, *Frontiers in Psychol.* (2024) (manuscript), <https://doi.org/10.3389/fpsyg.2024.1414305>. As the consequences of waiving rights like the right to appeal are more distant than the immediate benefit of ending a legal proceeding, this research suggests that adolescents are unlikely to fully consider the risks associated with such waivers when deciding whether to accept plea agreements.

3. Adolescents’ limited capacity for thorough risk-benefit assessment is further eroded in the high-pressure, fast-paced, typically unfamiliar, and inherently adversarial circumstances that accompany plea decision-making. Research suggests that the prefrontal cortex and the communication pathways between the prefrontal cortex and the limbic system are particularly vulnerable to disruption from stress as they develop throughout adolescence. See Galvan & Rahdar, *The Neurobiological Effects of Stress on Adolescent Decision Making*, 249 *Neurosci.* 223, 225-228 (2013). Compounding this vulnerability, the general sensitivity and overactivity of

the limbic system among adolescents result in increased hormone responses to stressful stimuli. See Scherf et al., *The Amygdala: An Agent of Change in Adolescent Neural Networks*, 64 *Hormones & Behav.* 298, 307-308 (2013). This predisposes adolescents to switch into what psychologists refer to as the “hot mode” of information processing in situations in which adults would not. Timmer et al., *Hot or Cool Processing?*, 38 *Just. Q.* 961, 963 (2021). The “hot mode” involves “more intuitive and immediate thinking, ... grounded in affective factors including emotions and moods.” *Id.* at 965. Rather than deliberative, it is “automatic and non-volitional in nature.” *Id.*

In circumstances that trigger “hot” cognition, adolescents are less able to regulate their impulses, resulting in decreased judgment and greater risk taking. See Hartley & Somerville, *supra*, at 111-112. For instance, in one study involving a card game that required participants to identify risks and weigh odds associated with drawing cards, adolescents were less influenced by their knowledge of possible negative outcomes and more likely to take risks to obtain immediate rewards in situations designed to elicit physiological stress. *Id.* Similarly, other studies have shown that adolescents’ impulse control diminishes in stressful or emotionally charged situations. In studies asking participants to either press or not press a button in response to certain stimuli, adolescents performed poorly compared to adults (i.e.,

were less able to inhibit responses) in conditions involving fearful, threatening, or exciting stimuli. Icenogle & Cauffman, *supra*, at 1008.

The effects of these types of situations on adolescent decision-making further constrain adolescents' capacity to intelligently waive appellate rights as part of a plea agreement. Participation in unfamiliar, adversarial criminal-justice settings, from police interrogations to court appearances, is likely uniquely stressful for many adolescents (as it is for adults). In these settings, the stakes are high, adolescents must navigate competing pressures from multiple authority figures (who, as discussed below, often exert considerable influence over adolescent decision-making), and time pressures are often significant. Empirical studies show that most plea offers are made on the day a trial is set to begin, with defendants having an average of about 45 minutes to discuss the offers with their counsel. Fountain & Woolard, *How Defense Attorneys Consult with Juvenile Clients about Plea Bargains*, 24 Psychol. Pub. Pol'y & Law 192, 196 (2018). Another study found that nearly half of adolescents interviewed who pleaded guilty to a felony in New York City reported that they had less than an hour to make their plea decision. Zottoli et al., *Plea Discounts, Time Pressures, and False-Guilty Pleas in Youth and Adolescents who Plead Guilty to Felonies in New York City*, 22 Psychol. Pub. Pol'y & Law 250, 254 (2016). Adolescents, moreover, are more likely than adults to feel rushed and thus under greater pressure to decide whether to accept a plea deal,

contributing to the extraordinarily stressful nature of the decision. Cabell & Marsh, *Swing and a Miss: Reflections on the “Voluntariness” of Pleas in Juvenile Court*, 117 Child. & Youth Servs. Rev. 105300, at 2 (2020). That stress may lead to “diminished cognitive control among adolescents,” meaning they are less able to weigh risks and consequences and less able to resist seeking immediate rewards. See Icenogle & Cauffman, *supra*, at 1008. Thus, even where adolescents are generally able to understand the risks and consequences of pleading guilty, and capable of mature decision-making in other contexts more conducive to slow deliberation, they may be unable in the plea-bargaining context to meaningfully weigh those consequences and resist the drive for more immediate benefits associated with waiving rights by pleading guilty.

B. Adolescents Are Susceptible To Influence By Authority Figures

Many of the same psychological and neurological processes that (as discussed) limit adolescents’ decision-making capacities in legal contexts also make adolescents more susceptible to pressure from the many authority figures involved in plea bargaining—including prosecutors, defense attorneys, judges, and parents. Specifically, adolescents’ heightened sensitivity to emotional stimuli means they are more sensitive to power imbalances and coercive circumstances than adults, and more likely to conform to social expectations. These tendencies appear to be related to the overactivity of the limbic system, which can lead to impulsivity and

heightened sensitivity to social cues. UCLA Center for the Developing Adolescent, *Decision Making & Emotional Regulation*, available at <https://developingadolescent.ucla.edu/resource/decision-making-emotional-regulation/> (visited August 3, 2026). This sensitivity drives social learning but also makes adolescents particularly vulnerable to feelings of social rejection and exclusion. *Id.* And that, in turn, may drive adolescents to act in accordance with what they think others—such as authority figures—expect of them.

As a general matter, “adolescents tend to be more compliant with authority figures than adults.” Malloy et al., *Interrogations, Confessions, and Guilty Pleas Among Serious Adolescent Offenders*, 38 Law & Hum. Behav. 181, 182 (2014). Researchers have linked adolescents’ propensity to yield to pressure from authority figures to “[d]evelopmental characteristics such as impulsivity, susceptibility to social influence, lower status relative to adults, and immature judgment.” *Id.* Specifically, studies have shown that adolescents are sensitive to “power imbalances,” which may “sway adolescents toward compliance” with authority figures. SCAAN, *supra*, at 5. Similarly, adolescents are more sensitive to circumstances that may feel coercive (as are often present in the criminal-justice system), leading them succumb to pressures that most adults would be able to resist. Scott-Hayward, *Explaining Juvenile False Confessions*, 31 Law & Psychol. Rev. 53, 62 (2007). Adolescents’ predisposition to comply with authority figures may also

relate to their general tendency to overweight immediate benefits. Research in the criminal-justice context, for example, suggests that many adolescents may believe that if they tell those in positions of authority what they want to hear, those in authority will “let [them] go.” *See id.* at 68.

Numerous studies have confirmed that adolescents’ tendency to comply with authorities—including judges, attorneys, and parents—affects their decisions regarding whether to waive rights by pleading guilty. One study, for instance, found that 70-74% of adolescents aged 11-15 accepted hypothetical plea deals compared to only 50% of adults, with the differences “attributed in part to compliance with authority.” Redlich & Shteynberg, *supra*, at 612. Another study posed hypotheticals at different stages in the criminal-justice process—whether to confess to police, whether to disclose information to one’s attorney, and whether to accept a plea deal—finding that at each stage (and even controlling for other variables), adolescents aged 11-15 were more likely than older participants to select the compliant option. Grisso, *supra*, at 353.

Moreover, while decision-making in the criminal context differs from that in many other contexts because criminal defendants have the assistance of counsel, studies suggest defense counsel can serve as another authority figure whose advice may exert disproportionate influence over adolescents. In particular, several experimental and interview-based studies show that both adults and adolescents are

likely to follow the advice of their defense attorneys, especially when that advice is to plead guilty. Henderson & Levett, *Investigating Predictors of True and False Guilty Pleas*, 42 Law & Hum. Behav. 427, 430, 434 (2018). And defense attorneys often advise clients to accept plea deals rather than proceed to trial. Suiter & Metcalfe, *The Impact of the Defense Attorney on Plea Decision-Making*, 50 Crim. Just. & Behav. 1, 5 (2023). Another study of incarcerated youth found that nearly 20% reported they had falsely pleaded guilty, with “many cit[ing] pressures from attorneys as a contributing factor.” Wilford & Frazier, *supra*, at 2; Malloy, *supra*, at 189-190. A different study showed that adolescents advised by attorneys or parents to admit guilt in exchange for a lower sentence were significantly more likely to plead guilty compared to those who received no such advice, even when they claimed to be innocent. Fessinger, *Tell the Truth?*, 30 Psychol. Pub. Pol’y & Law 421, 427 (2024).

Moreover, contrary to common misconceptions, adolescents are “more susceptible to parental influence than young adults, particularly with regard to larger ‘life’ issues.” Cohen & Mandelbaum, *supra*, at 363. And although parents may generally be a positive force in helping adolescents navigate the criminal-justice system, research suggests that they often hold misconceptions about their children’s legal rights and that their interests may not always align with those of their children. For example, parents may “wish to use the plea bargaining process” for their own

ends, like “to teach their child a moral lesson,” or to gain access to resources like mental healthcare. Fountain & Woolard, *Negotiating with Parents*, 45 Law & Hum. Behav. 112, 113 (2021). Parents may also want their children to plead guilty to avoid the employment disruptions associated with attending a trial. *Id.* And despite these sometimes divergent interests, “evidence suggests that some parents are actively involved in advising their children how to plead” and that many defense attorneys actively involve parents in conversations about plea decisions with their adolescent clients. *Id.* at 113. Given adolescents’ general susceptibility to parental influence regarding major life decisions, *see* Cohen & Mandelbaum, *supra*, at 363, parents’ own interests may disproportionately drive adolescents’ decisions regarding whether to waive appellate rights by accepting plea agreements, leading them to not fully consider the consequences of their decision or to “plead[] involuntarily,” Cabell & Marsh, *supra*, at 4.

CONCLUSION

Social science indicates that numerous developmental and psychosocial factors can leave adolescents less able than adults to fully understand abstract legal rights, more likely to discount future consequences, and more susceptible to authority figures, all of which makes adolescents—when faced with the stressful and often time-pressured situation of plea bargaining—less able to knowingly,

intelligently, and voluntarily waive appeal rights. In resolving this appeal, the Court should take account of the research and authorities discussed herein.

August 3, 2026

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AFFIRMATION OF COMPLIANCE

The foregoing brief was prepared using the Microsoft Word for Office word-processing system in a proportionally spaced typeface, Times New Roman, and in 14-point type, including footnotes. According to the word-count feature of Microsoft Word for Office, the brief contains 6,744 words that count against the limit.



NOAH LEVINE

AFFIDAVIT OF SERVICE

1. On August 3, 2026, I served a copy of the foregoing motion for leave to file an amici brief, and the proposed amici brief, on the following attorneys of record via email correspondence:

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2. I affirm this 3rd day of August 2026, under the penalties of perjury, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

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