**FOLLOW-UP FACTSHEET OF REPORT No. 62/02**

**CASE 12.285**

**MICHAEL DOMINGUES**

**(United States)**

1. **Summary of case**

|  |
| --- |
| **Victim (s):** Michael Domingues**Petitioner (s):** Philip J. Kohn and William A. Courson (Clark County Nevada Office of the Public Defender) **State:** United States**Merits Report No.:** [62/02](http://cidh.org/annualrep/2002eng/USA.12285.htm), published on October 22, 2002**Admissibility Report:** Analyzed with Merits Report 62/02**Precautionary Measures:** [Granted on May 30, 2000](http://www.cidh.org/medidas/2000.eng.htm) **Themes:** Access to justice / Child offenders / Children and Adolescents / Death penalty / Juvenile justice / Life / Persons deprived of their liberty / Youth**Facts:** This case refers to Michael Domingues who was sentenced to death in the state of Nevada in 1993 for crimes that he committed when he was 16 years old.**Rights violated:** The Commission concluded that the State had acted contrary to an international norm of *jus cogens* as reflected in Article I of the America Declaration by sentencing Michael Domingues to the death penalty for crimes that he committed when he was 16 years of age. Consequently, should the State execute Mr. Domingues pursuant to this sentence, it would be responsible for a grave and irreparable violation of Mr. Domingues’ right to life under Article I of the American Declaration.**Level of compliance of the case:** Total compliance ([2005 Annual Report](http://www.cidh.org/annualrep/2005eng/chap.3f.htm)) |

1. **Recommendations**

|  |  |
| --- | --- |
| **Recommendations** | **State of compliance**  |
| 1. Provide Michael Domingues with an effective remedy, which includes commutation of sentence. | Total compliance[[1]](#footnote-1) |
| 2. Review its laws, procedures and practices to ensure that capital punishment is not imposed upon persons who, at the time their crime was committed, were under 18 years of age. | Total compliance[[2]](#footnote-2) |

1. **Procedural Activity**
2. The CIDH requested updated information on compliance from the parties in 2003, 2004 and 2005. The State presented said information on December 6, 2003, December 19, 2003 and December 29, 2005.
3. The petitioners presented the information requested by the Commission on December 17, 2003, December 1, 2004 and December 20, 2005.
4. The case was in the follow-up of recommendations stage for 3 years.
5. **Level of compliance of the case**
6. The Commission declared the total compliance of the case and ceased its monitoring of compliance with the recommendations issued in Merits Report No. 62/02 in the 2005 Annual Report.[[3]](#footnote-3)
7. **Individual and structural results of the case**
8. This section highlights the individual and structural results of the case, as informed by the parties.
9. **Individual results of the case**

*Restoration of the infringed right measures*

* As a result of the Supreme Court of the United States’ decision in *Roper v. Simmons*, issued on March 2, 2005, the death sentence previously imposed against Michael Domingues was commuted to a sentence of life imprisonment without the possibility of parole.
1. **Structural results of the case**

*Legislation/Regulations*

* On March 1, 2005, the Supreme Court of the United States held in *Roper v. Simmons*[[4]](#footnote-4) that the Eighth and Fourteenth Amendments to the Constitution of the United States prohibit the imposition of thedeath penalty on persons who were under the age of 18 at the time the crimes for which they were sentenced were committed.
1. IACHR, Annual Report 2005, [Chapter III, Section D: Status of compliance with the recommendations of the IACHR](http://www.cidh.org/annualrep/2005eng/chap.3f.htm), para. 338 - 339. [↑](#footnote-ref-1)
2. IACHR, Annual Report 2005, [Chapter III, Section D: Status of compliance with the recommendations of the IACHR](http://www.cidh.org/annualrep/2005eng/chap.3f.htm), para. 338 - 339. [↑](#footnote-ref-2)
3. IACHR, Annual Report 2005, [Chapter III, Section D: Status of compliance with the recommendations of the IACHR](http://www.cidh.org/annualrep/2005eng/chap.3f.htm), para. 338 - 339. [↑](#footnote-ref-3)
4. Supreme Court of the United States, [Roper v. Simmons](https://supreme.justia.com/cases/federal/us/543/551/), 543 U.S. 551 (2005) (United States). [↑](#footnote-ref-4)