

the CAMPAIGN for the FAIR SENTENCING of YOUTH

Jackson and Miller: Hope for children sentenced to die in prison

“Such mandatory penalties, by their nature, preclude a sentencer from taking account of an offender’s age and the wealth of characteristics and circumstances attendant to it. Under these schemes, every juvenile will receive the same sentence as every other—the 17-year-old and the 14-year-old, the shooter and the accomplice, the child from a stable household and the child from a chaotic and abusive one.”¹

On Monday, June 25, 2012, the United States Supreme Court declared that mandatory life-without-parole sentences for children violate the Eighth Amendment prohibition against cruel and unusual punishments. In the majority opinion, Justice Kagan stated that the mandatory imposition of life-without-parole sentences on children “contravenes *Graham’s* (and also *Roper’s*) foundational principle: that imposition of a State’s most severe penalties on juvenile offenders cannot proceed as though they were not children.”²

- **The ruling vacated Evan Miller’s and Kuntrell Jackson’s sentences and struck down all statutes that require a child to be sentenced to die in prison.** Faithful application of this decision requires that this new rule be applied retroactively to everyone who is serving this now-illegal sentence. Individuals currently serving this illegal sentence should be given the opportunity to go back into court and present relevant mitigating evidence that was previously ignored under the mandatory sentencing scheme.
- **The Court reaffirmed its past holdings in *Roper v. Simmons*, *Graham v. Florida*, and *J.D.B. v. North Carolina* that acknowledge the unique characteristics of children and require these factors to be considered in the context of the Eighth Amendment.** The Court recognized that “youth is more than a chronological fact. It is a time of immaturity, irresponsibility, impetuosity[,], and recklessness. It is a moment and condition of life when a person may be most susceptible to influence and to psychological damage. And its signature qualities are all transient.”³ This leads to a recognition that children are less morally culpable for the crimes they commit and are uniquely able to be rehabilitated and become productive members of society.
- **The court yet again ruled that child status and inherent youthful characteristics apply to all youth under the age of 18 regardless of the crime.** “[N]one of what [*Graham*] said about children—about their distinctive (and transitory) mental traits and environmental vulnerabilities—is crime-specific,” the Court reasoned. “So *Graham’s* reasoning implicates any life-without-parole sentence imposed on a juvenile, even as its categorical bar relates only to nonhomicide offenses.”⁴

A better way forward:

The Court held that a judge or jury can no longer bypass important and relevant mitigating factors in sentencing a child. The court cited the following key factors to be considered in cases involving children facing life-without-parole sentences:⁵

- The child’s age and its features including immaturity, impetuosity, and failure to appreciate risks and consequences;
- The child’s family and home environment;
- The circumstances of the offense, including the extent of the child’s participation and the way familial and peer pressures may have affected his or her behavior;
- The child’s unsophistication in dealing with a criminal justice system that is designed for adults; and
- The possibility of rehabilitation.

The Court discouraged the use of life-without-parole sentences for children. The court did not uphold discretionary life-without-parole sentences for children, and in fact, said “appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon.” Justice Kagan wrote for the majority that sentencers are now required “to take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison.”⁶

¹ *Miller v. Alabama*, No. 10-9646, slip op. at 14 (U.S. June 25, 2012).

² *Miller v. Alabama*, No. 10-9646, slip op. at 3 (U.S. June 25, 2012).

³ *Miller v. Alabama*, No. 10-9646, slip op. at 13 (U.S. June 25, 2012).

⁴ *Miller v. Alabama*, No. 10-9646, slip op. at 10 (U.S. June 25, 2012).

⁵ *Miller v. Alabama*, No. 10-9646, slip op. at 15 (U.S. June 25, 2012).

⁶ *Miller v. Alabama*, No. 10-9646, slip op. at 17 (U.S. June 25, 2012).