

PRESS RELEASE

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**U.S. SUPREME COURT STRIKES DOWN MANDATORY LIFE
WITHOUT PAROLE SENTENCES FOR YOUTH**

PHILADELPHIA, PA (June 25, 2012) – The United States Supreme Court ruled today in *Miller v. Alabama* and *Jackson v. Hobbs* that states may no longer impose mandatory life without parole sentences on juveniles under the age of 18 convicted of homicide crimes. Writing for the 5-4 majority, Justice Elena Kagan said, “Such a scheme prevents those meting out punishment from considering a juvenile’s ‘lessened culpability’ and greater ‘capacity for change.’”

The landmark ruling will have an immediate and widespread impact, as approximately 2,100 individuals currently serving life without the possibility of parole sentences in the United States received their sentences as a result of mandatory sentencing schemes. “Juveniles will now be entitled to present mitigating evidence in support of sentences that provide for review and the possibility of release,” said Marsha Levick, Deputy Director and Chief Legal counsel at Juvenile Law Center. “The Court has rightly returned discretion to the sentencer to make individualized determinations about each youth who stands before them, based on that youth’s particular qualities and degree of blameworthiness.”

As Justice Kagan wrote, “Mandatory life without parole for a juvenile precludes consideration of his chronological age and its hallmark features—among them, immaturity, impetuosity, and failure to appreciate risks and consequences. It prevents taking into account the family and home environment that surrounds him—and from which he cannot usually extricate himself—no matter how brutal or dysfunctional. It neglects the circumstances of the homicide offense, including the extent of his participation in the conduct and the way familial and peer pressures may have affected him.”

The Court’s decision today builds on its previous decisions in *Roper v. Simmons* and *Graham v. Florida* in which the Court similarly struck extreme sentences for youth, citing their developmental and neurological differences from adults. “The evidence presented to us in these cases indicates that the science and social science supporting *Roper’s* and *Graham’s* conclusions have become even stronger.”

In a concurring opinion by Justice Stephen Breyer in which Justice Sonia Sotomayor joined, Justice Breyer would have gone a step further to prohibit life without parole sentences for all juveniles who did not actually kill or intend to kill the victim. In *Jackson v. Hobbs*, Kuntrell Jackson did not himself shoot the victim. Under these circumstances, Justices Breyer and Sotomayor would ban the imposition of a life without parole sentence. Breyer wrote, “Moreover, regardless of our law with respect to adults, there is no basis for imposing a sentence of life without parole upon a juvenile who did not himself kill or intend to kill... [T]he ability to consider the full consequences of a course of action and to adjust one’s conduct accordingly is precisely what we know juveniles lack capacity to do effectively.”

While the ruling eliminates *mandatory* sentences, it still provides states the option to impose such sentences. Opponents of this harsh sentence urge that all life sentences without parole be struck down as unconstitutional

under the Eighth Amendment as cruel and unusual punishment, but it does provide hope that fewer such sentences will be imposed on youth in the future. In fact, Justice Kagan, in her majority opinion, recognized that “given all we have said in *Roper*, *Graham*, and this decision about children’s diminished culpability and heightened capacity for change, we think appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon.”

With the Court’s decision today, the United States will remain the only country in the world that permits juveniles to be sentenced to die in prison. “The disconnect between the U.S. and the rest of the world with respect to the sentencing of youth remains wide and deep,” Levick said. “The battle to eliminate juvenile life without parole sentences will continue, not just in the courts but in the legislatures as well. Children must have the opportunity to demonstrate maturity and growth even in prison; principles of fundamental fairness and the belief in human dignity demands no less.”

As co-author of an amicus brief filed with the U.S. Supreme Court in the cases, Juvenile Law Center strongly opposes the imposition of juvenile life without parole sentences for any youth under the age of 18, citing previous Supreme Court decisions in which the Court recognized that youth are different than adults and should be treated accordingly.

Juvenile Law Center is the oldest national, non-profit, public interest law firm to advance and protect the rights and well-being of children in the child welfare and juvenile justice systems. Juvenile Law Center is also a resource for other legal advocacy groups across the nation.

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