

# US Supreme Court makes it easier to sentence minors to life in prison

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In a 6-3 decision on Thursday, the US Supreme Court ruled that sentencing judges no longer have to make a special determination that convicted minors are beyond rehabilitation in order to sentence them to life in prison.

According to previous court cases limiting judges' ability to sentence juvenile offenders to life without possibility of parole, a judge would have to demonstrate that the convicted youth would not be rehabilitated in prison, and therefore should spend the rest of their lives locked up with no chance of release.

The ruling in this case, *Jones v. Mississippi*, concerning Brett Jones, a 15-year-old boy who killed his grandfather, handed judges more discretion in sentencing minors, reversing several years of precedent limiting the ability of judges to hand down harsh sentences to underage offenders.

Conservative Associate Justice Brett Kavanaugh, a Trump appointee, wrote the majority decision ruling that sentencing can be brought down without making a separate finding of "permanent incorrigibility" before issuing life without possibility of parole sentences.

Courts have ruled over the last several decades that harsh sentences for juvenile offenders, such as the death penalty, constitute a violation of the US Constitution's prohibition of "cruel and unusual punishment," with numerous scientific studies concluding that the brains of youth are not fully developed and as such lack certain adult qualities such as impulse control, effective reasoning and understanding of consequences.

These studies have historically informed sentencing decisions in handing out punishment to those young people convicted of crimes. Being less capable of understanding their decision and actions, juveniles are less culpable for crimes and therefore should not receive the harshest of punishments for them, according

to recent judicial precedent.

The Supreme Court's latest barbaric decision, however, reverses years of limitations on punishment for juveniles, essentially making it easier for them to be sentenced to die in prison for crimes committed while under legal age.

A 2012 Supreme Court ruling which stated that mandatory life without parole sentences for juvenile offenders were unconstitutional has been used as precedent in limiting judges' abilities to hand down such sentences.

In response to that 2012 ruling, lower courts found that in order to hand down such sentences the judge must make a case for the offender's incorrigibility. The latest high court ruling strikes down the need for this assessment.

Jones was given an automatic life without parole sentence in 2004, and needed to be resentenced after it was determined that such sentences violate constitutional bans on cruel and unusual punishments in the 2012 ruling. By that time, Jones had been in prison for a decade. He was considered a "model prisoner," having graduated high school in prison and exemplified good behavior throughout.

At his resentencing the judge upheld Jones's life sentence without parole and did not make a special case for his incorrigibility in doing so despite, as his lawyers argued, evidence that Jones was indeed capable of rehabilitation. The case was ultimately appealed to the Supreme Court.

"The argument that the sentencer must make a finding of permanent incorrigibility is inconsistent with the court's precedents," Kavanaugh's majority opinion argues. "In a case involving an individual who was under 18 when he or she committed a homicide, a State's discretionary sentencing system is both

constitutionally necessary and constitutionally sufficient.”

In other words, harsh sentences are constitutional as long as they are at the discretion of the judge and not mandated by law. The ultimate legality in such sentencing policies is up to individual states. Currently there are 25 states which ban in their entirety the sentencing of juveniles to life in prison without parole.

For the 19 states that do currently allow such sentences to be imposed, Thursday’s decision makes such sentences easier, and according to associate justice Sonia Sotomayor, an Obama appointee, this will lead to increasing number of minor offenders dying in prison.

“Time and again, this court has recognized that children are constitutionally different from adults for the purposes of sentencing,” Sotomayor wrote in her dissent. “If a sentencing discretion is all that is required, far too many juvenile offenders will be sentenced to die in prison and that the sentences will not fall equally.”

Kathryn Miller, a clinical professor of law at Cardozo Law School, argues that the latest decision will undermine the relevance of the idea of rehabilitation entirely. “A lot of times these judges really want to still focus on the facts of the crime” even though it is years or decades later, Miller told National Public Radio. “They’re not interested in the rehabilitation narrative.”

The high court’s decision will undoubtedly lead to harsher, more severe punishments across the board for juvenile offenders, giving judges discretionary power to hand down the most severe of punishments for crimes committed while offenders are incapable of understanding the consequences. The ramifications of this will be felt most by the working class and poor, who make up the majority of those incarcerated in the sprawling US network of overcrowded and poorly maintained prisons.



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