

U.S. Supreme Court Jurisprudence on How Children are Different

Beginning in 2005 with the decision in *Roper v. Simmons*, the U.S. Supreme Court has held that there are fundamental differences between children and adults that change the analysis of some criminal law principles as they relate to juveniles (meaning anyone who commits an offense under the age of 18). The following decisions build on one another and require that the application of certain criminal constitutional rights to juveniles take into account the unique developmental stages that are childhood and adolescence.

***Roper v. Simmons*, 543 U.S. 551 (2005)**

The Court held that the execution of individuals who were under 18 years of age at time of their capital crimes is prohibited by Eighth and Fourteenth Amendments. The decision points to 3 general differences between juveniles under 18 and adults which demonstrate that juveniles cannot reliably be classified as the worst offenders (as required for imposition of the death penalty).

1. Lack of maturity and an underdeveloped sense of responsibility are more common and more understandable in youth. "These qualities often result in impetuous and ill-considered actions and decisions."
2. Juveniles are "more vulnerable or susceptible to negative influences and outside pressures, including peer pressure," and
3. The character of a juvenile is not as well formed as that of an adult. Juvenile personality traits are more transitory.

The court noted that these characteristics of youth lead to diminished culpability and that diminished culpability reduces the penological justifications (retribution and deterrence) for use of the death penalty.

***Graham v. Florida*, 560 U.S. 48 (2010)**

The Court held that the Eighth Amendment prohibits the imposition of a life without parole sentence on a juvenile offender who did not commit homicide and that the juvenile nonhomicide offender must be given a meaningful opportunity to obtain release. The Court reiterated the reasoning about the unique nature of adolescents found in *Roper*, including:

Roper established that because juveniles have lessened culpability, they are less deserving of the most severe punishments. As compared to adults, juveniles have a "lack of maturity and an underdeveloped sense of responsibility"; they "are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure"; and their characters are "not as well formed." These salient characteristics mean that "[i]t is difficult even for expert psychologists to differentiate between the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption." Accordingly, "juvenile offenders cannot with reliability be classified among the worst offenders." A juvenile is not absolved of responsibility for his actions, but his transgression "is not as morally reprehensible as that of an adult." (citations omitted)

Introduction to Juvenile Court Proceedings

What is Juvenile Court and How are Juvenile Proceedings Different

The court noted that no recent data require reconsideration of these observations and that psychology and brain science continue to show fundamental differences between juvenile and adult minds.

***J.D.B. v. North Carolina*, 564 U.S. 261 (2011)**

The Court held that a child's age properly informs the *Miranda* custody analysis, as long as the child's age was known to the officer at the time of police questioning or would have been objectively apparent to a reasonable officer. The court noted that "[a] child's age is far 'more than a chronological fact.'" That age results in self-evident commonsense conclusions about behavior and perception that are known to any person who was once a child himself. The decision makes note of the many instances where laws and jurisprudence recognize that children are not simply miniature adults. The Court concluded that:

To hold, as the State requests, that a child's age is never relevant to whether a suspect has been taken into custody—and thus to ignore the very real differences between children and adults—would be to deny children the full scope of the procedural safeguards that *Miranda* guarantees to adults.

***Miller v. Alabama*, 567 U.S. 460 (2012)**

The Court held that mandatory life imprisonment without parole for youth who were under age 18 at the time of their offense violates the Eighth Amendment. The decision noted that

Roper and *Graham* establish that children are constitutionally different from adults for purposes of sentencing. Because juveniles have diminished culpability and greater prospects for reform, we explained, 'they are less deserving of the most severe punishments.'

The Court reiterated the three differences outlined in *Roper* and stated that the decisions were based on common sense (what any parent knows) as well as science and social science. The Court also explained that the distinctive attributes of youth (transient rashness, proclivity for risk, and inability to assess consequences) diminish the penological justifications for imposing the harshest sentences on youth, even in the face of terrible crimes. The decision states that the foundational principle of the decisions in *Graham* and *Roper* is that "imposition of a State's most severe penalties on juvenile offenders cannot proceed as though they were not children." The Court concluded that:

By making youth (and all that accompanies it) irrelevant to imposition of that harshest prison sentence, such a scheme (mandatory life in prison without the possibility of parole) poses too great a risk of disproportionate punishment.

The court required that the sentencing judge take how children are different into account before sentencing a juvenile to life without parole.

***Montgomery v. Louisiana*, 577 U.S. 190 (2016)**

The Court held that the decision in *Miller v. Alabama* announced a new substantive constitutional rule that was retroactive on state collateral review. The reasoning regarding how children are different first announced in *Roper v. Simmons* was again reiterated. The court also reinforced that states are not free to sentence a child whose crime reflects "transient immaturity," and not irreparable corruption, to life without parole.

Introduction to Juvenile Court Proceedings

What is Juvenile Court and How are Juvenile Proceedings Different

Jones v. Mississippi, 141 S. Ct. 1307 (2021)

The Court held that there is no requirement that the sentencer makes a separate factual finding of permanent incorrigibility before sentencing a defendant, who was under 18 at the time of the homicide offense, to life without parole. A discretionary sentencing system is both constitutionally necessary and sufficient in these cases. The Court stated that the decisions in *Miller* and *Montgomery* were not being overruled. Instead, they never required a finding of permanent incorrigibility in order to impose a sentence of life without parole for a defendant guilty of committing a homicide offense when they were under the age of 18. The decision does not speak to the unique features of youth in any detail.