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# The Register Editorial: Juveniles should have some hope for redemption

## Mandatory life sentence truly cruel

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A phrase often used in capital punishment cases is "death is different." Now the U.S. Supreme Court has updated that in criminal sentencing to say, "Juveniles are different."

The court ruled in a Missouri case in 2005 that the death penalty cannot be applied to defendants under the age of 18. Five years later, the court ruled in a Florida case that juvenile defendants cannot be sentenced to life in prison without possibility of parole in non-murder cases.

In a logical extension of those rulings, the court on Monday ruled 5-4 that a juvenile convicted of murder cannot be subject to a mandatory sentence of life in prison without possibility of parole.

The court did not rule out a life sentence without parole for a defendant under age 18, but the majority said the sentencing judge

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must consider the mitigating factors of the defendant's youth and the nature of the crime.

In all three decisions, the court has cited the Constitution's Eighth Amendment, which prohibits the government from inflicting "cruel and unusual punishments." A lifetime in prison, with no hope of freedom, surely is cruel and unusual in the case of a teen who may be nowhere developmentally close to the mental capacity of an adult.

A juvenile may be tried as an adult because a teen convicted of a heinous crime may serve a sentence of only a matter of months in the juvenile court system. The alternative of life in prison without the possibility of parole goes too far the other way. That is the only choice in murder cases where state law — as in Iowa — requires life in prison.

Since the Missouri case, the Supreme Court has increasingly considered evidence that juveniles are different from adults for purposes of criminal sentencing. Because adolescent brains are not fully developed, juveniles lack maturity and a sense of responsibility, and they lack the ability to remove themselves from situations that can lead to crimes.

"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," Justice Elena Kagan wrote for the court. "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."

Four other justices signed three separate dissents protesting that the decision will open prison gates to convicted murderers who committed brutal crimes when they were only months shy of their 18th birthday. In fact, the majority ruling was quite narrow. The decision does not prohibit life in prison for all juvenile murderers. Rather, it requires that the sentencing judge first consider the offender's "youth and attendant characteristics." And, it's not entirely clear whether the decision will apply retroactively, or how the courts will proceed if it does.

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This much is clear, however: In the future, when the facts and circumstances dictate, judges will have the option of sentencing juvenile murderers to life in prison without the possibility of parole. Otherwise, a prison sentence with the possibility of parole at least gives offenders the opportunity to eventually earn their freedom.

That is not a matter of mercy. It is a matter of giving those who commit crime as juveniles a chance at redemption.

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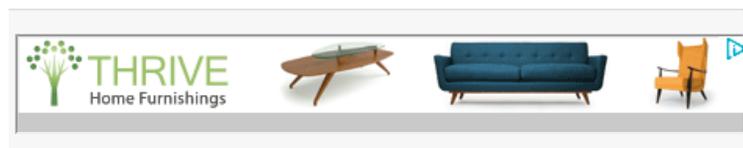
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