

Death behind bars shouldn't be automatic for juveniles

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The U.S. Supreme Court's decision this week on juvenile sentencing has been widely misconstrued.

The court did not forbid judges from sentencing the youngest murderers to life in prison without a chance of parole. It did forbid states from automatically requiring – through mandatory sentencing schemes – that killers be locked up until death for murders they committed as juveniles.

The ruling might affect six inmates from Pierce County, including two of the perpetrators of Tacoma's infamous 1998 Trang Dai massacre.

The most dramatic Pierce County case – possibly the most dramatic case in the country – is that of Barry Massey, who was sent up for life after helping kill a marina operator in Steilacoom in 1987 at age 13. At the time, Massey was the youngest defendant in America to receive that penalty.

Life without parole is an important sentencing option. Many supporters of capital punishment fear that depraved killers will eventually be released if they are not executed. Some jurors will opt for life in prison instead of execution if they are assured that the killer will actually remain behind bars.

But the court majority Monday rightly struck down an Alabama law that ordered judges not to factor in circumstances or chances of rehabilitation in juvenile cases.

To state the obvious, adolescents are not adults. By definition, they lack maturity and have had less opportunity to rise above what may have been hellish childhoods. The moral compasses of many teenagers aren't fully operational. As a rule, they are more emotional and impulsive, and much less likely to think through the consequences of their action.

Any parent of teenagers knows this. In recent years, researchers have pinpointed brain structures that explain it. For example, the frontal lobes – the part of the brain that supports good judgment and impulse-control – are still developing in adolescents. Recent Supreme Court decisions have acknowledged the science.

The high court in this case didn't rule out life without parole as an option for juvenile killers; it insisted that judges make the call. At that age, justice doesn't come in one-size-fits-all.

The Massey case shows why. His attorneys have argued that he had low intelligence and the mental age of a 10-year-old. His prior criminal record was limited.

In contrast, his partner was 15 when they killed Paul Wang. Michael Harris had already been convicted of multiple felonies and misdemeanors.

Many factors probably distinguished Harris from Massey; some perhaps have cut in Harris' favor, others in Massey's. But once the aggravated murder verdict came in, the judge had to ignore distinctions and specifics, and deliver the automatic sentence like a robot.

As an alternative to the death sentence, that's appropriate for adults. For juveniles, judges should be allowed to do what we pay them to do – judge.



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