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**Justices Bar Mandatory Life Terms for Juveniles**

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WASHINGTON — Some 2,000 juvenile offenders serving life sentences without parole were given hope of eventual release by the [Supreme Court](http://topics.nytimes.com/top/reference/timestopics/organizations/s/supreme_court/index.html?inline=nyt-org) on Monday. [The court ruled](http://www.supremecourt.gov/opinions/11pdf/10-9646g2i8.pdf) that laws requiring youths convicted of murder to be sentenced to die in prison violate the Eighth Amendment’s ban on cruel and unusual punishment.

The 5-to-4 decision divided the court along ideological lines, with Justice Anthony M. Kennedy joining the four members of the liberal wing. Justice Kennedy also provided the decisive vote in two other decisions issued Monday — on [Arizona’s immigration law](http://topics.nytimes.com/top/reference/timestopics/subjects/i/immigration-and-emigration/arizona-immigration-law-sb-1070/index.html?inline=nyt-classifier) and on a sequel to the court’s decision in the Citizens United campaign finance case.

Writing for the majority in the decision concerning juvenile offenders, Justice [Elena Kagan](http://topics.nytimes.com/top/reference/timestopics/people/k/kagan_elena/index.html?inline=nyt-per) said the Constitution forbids “requiring that all children convicted of homicide receive lifetime incarceration without possibility of parole, regardless of their age and age-related characteristics and the nature of their crimes.”

In barring the punishment for killings committed before age 18, Justice Kagan drew on two lines of precedent, both rooted in the court’s death penalty jurisprudence.

The first concerned harsh penalties imposed on juvenile offenders. In 2005, in [Roper v. Simmons](http://www.law.cornell.edu/supct/html/03-633.ZS.html), the court eliminated the juvenile death penalty. In 2010, in [Graham v. Florida](http://www.law.cornell.edu/supct/html/08-7412.ZS.html), the court ruled that sentencing juvenile offenders to life without the possibility of parole was also unconstitutional, but only for crimes that did not involve killings. That decision affected about 130 prisoners convicted of committing, before they turned 18, crimes like rape, armed robbery and kidnapping.

The new decision did not draw a categorical line. Instead, the majority looked to a second line of cases, these barring mandatory death sentences and insisting instead that judges and juries, in Justice Kagan’s words, “consider the characteristics of a defendant and the details of his offense before sentencing.”

The cases before the court concerned two men who were involved in killings when they were 14.

One of them, Kuntrell Jackson, was with two older youths when the three tried to rob an Arkansas video store in 1999. One of the older youths shot and killed a store clerk.

The other, Evan Miller, and an older youth beat a 52-year-old neighbor in Alabama in 2003 after the three had spent the evening smoking [marijuana](http://topics.nytimes.com/top/reference/timestopics/subjects/m/marijuana/index.html?inline=nyt-classifier) and playing drinking games. The youths then set fire to his home, and the neighbor died of smoke inhalation.

The problem with mandatory sentences, Justice Kagan wrote, is that “every juvenile will receive the same sentence as every other — the 17-year-old and the 14-year-old, the shooter and the accomplice, the child from a stable household and the child from a chaotic and abusive one.”

“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 Kagan added. “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.”

Bryan Stevenson, executive director of the [Equal Justice Initiative](http://www.eji.org/eji/), a nonprofit law firm in Alabama that represented the defendants in the ruling, called it “an important win for children.”

“Today’s decision requires the lower courts to conduct new sentencing hearings where judges will have to consider children’s individual character and life circumstances, including age, as well as the circumstances of the crime,” he said. But he added that the resentencing must be initiated by the inmates, that many lacked the resources to pay for a lawyer, and that the Supreme Court had said prisoners seeking new hearings have no constitutional right to counsel.

According to the National Conference of State Legislatures, about 2,500 inmates are serving life sentences for crimes committed when they were juveniles, including more than 2,000 — 80 percent — through the kind of mandatory sentencing systems barred on Monday by the court.

The United States is one of the few countries that have not signed the United Nations’ [Convention on the Rights of the Child](http://www.unicef.org/crc/), which bans life sentences without parole and execution for those under age 18, said Connie de la Vega, a law professor at the University of San Francisco School of Law. She also said that while many countries executed more criminals than the United States did, very few had laws imprisoning adults — let alone juveniles — for life without the possibility of parole.

Justices Kennedy, Ruth Bader Ginsburg, Stephen G. Breyer and Sonia Sotomayor joined Justice Kagan’s opinion in the two consolidated cases, Jackson v. Hobbs, No. 10-9647, and Miller v. Alabama, No. 10-9646.

In a concurrence, Justice Breyer, joined by Justice Sotomayor, said the Eighth Amendment should also bar sentences of life without parole for juvenile offenders who participated in crimes that led to killings but who did not intend to kill.

Chief Justice John G. Roberts Jr., in a dissent joined by Justices Antonin Scalia, Clarence Thomas and Samuel A. Alito Jr., said the court was confusing decency with leniency. He added that longer and mandatory sentences had developed only since the 1980s, making it hard to argue that abolishing them was part of the country’s evolving standards of decency.

“It is a great tragedy when a juvenile commits murder — most of all for the innocent victims,” Chief Justice Roberts wrote. “But also for the murderer, whose life has gone so wrong so early. And for society as well, which has lost one or more of its members to deliberate violence, and must harshly punish another.”

In a separate dissent read from the bench, an unusual move indicating deep disagreement with the majority opinion, Justice Alito made a similar case in stronger language.

“Even a 17 ½-year-old who sets off a bomb in a crowded mall or guns down a dozen students and teachers is a ‘child’ and must be given a chance to persuade a judge to permit his release into society,” he wrote of the consequences of the majority ruling. “Nothing in the Constitution supports this arrogation of legislative authority.”