

Equal Justice Initiative

Criminal Justice Issues and Prisoners' Rights

<https://eji.org/cases/montgomery-v-louisiana/>

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On January 25, 2016, the Supreme Court decided that states must retroactively apply the ban on mandatory death-in-prison sentences for juveniles. a sentence introducing the case.

On January 25, 2016, the United States Supreme Court decided that states must retroactively apply the ban on mandatory death-in-prison sentences for juveniles.

In 2012, EJI lawyers argued at the Supreme Court that sentencing kids to life in prison without parole for any offense is cruel and unusual punishment, relying on the Courts recognition that children are less culpable than adults because of their unique immaturity, impulsiveness, vulnerability, and capacity for redemption and rehabilitation. On June 25, 2012, the Supreme Court issued an historic ruling in [Miller v. Alabama](#), holding that mandatory life-without-parole sentences for all children 17 or younger convicted of homicide are unconstitutional. The Court wrote that requiring sentencers to consider childrens diminished culpability, and heightened capacity for change should make such sentences uncommon.

Most state courts, including the highest courts of [Arkansas](#), Nebraska, [Connecticut](#), [Florida](#), [New Hampshire](#), [Illinois](#), [Mississippi](#), [Iowa](#), [Massachusetts](#), [Texas](#), and [Wyoming](#), as well as federal courts across the country, applied *Miller* retroactively to people already serving the banned sentence and granted them new sentencing hearings, but a handful of states, including Louisiana, refused to do so.

The Courts decision in [Montgomery v. Louisiana](#) now requires all states to apply *Miller* retroactively, which means that in Louisiana, Alabama, Pennsylvania, Michigan, Minnesota, and Colorado, hundreds of people who were sentenced to die in prison for crimes when they were children are now entitled to new sentencing hearings.

Writing for the Court, Justice Kennedy explained that *Miller* is retroactive because it announced a substantive rule of constitutional law. Because *Miller* bars life without parole sentences for all but the rarest of juvenile offenders, it rendered life without parole an unconstitutional penalty for a class of defendants because of their status that is, juvenile offenders whose crimes reflect the transient immaturity of youth.

The Court underscored why *Miller* is a substantive rule: Before *Miller*, every juvenile convicted of a homicide offense could be sentenced to life without parole. After *Miller*, it will be the rare juvenile offender who can receive that same sentence.

People serving juvenile life-without-parole sentences must now be afforded hearings where youth and its attendant characteristics are considered as sentencing factors. Alternatively, the Court wrote that states may remedy a *Miller* violation by permitting juvenile homicide offenders to be considered for parole, rather than by resentencing them.

Importantly, states must provide an opportunity for release to those who demonstrate the truth of *Miller*'s central intuition that children who commit even heinous crimes are capable of change.

Decision

Stevenson: Judicial Sentencing Decision About Fairness

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