

## SCOTUS Opinion: Juvenile Murderers Face Life In Prison Without Parole Even If Not Deemed Permanently Incurrigible

23 Apr 2021

Brett Jones was 15 when he murdered his grandfather. Under Mississippi law at the time, he received a mandatory sentence of life without parole. Then, in *Miller v. Alabama*, 567 U.S 460 (2012), the Supreme Court held that a juvenile can only be sentenced to life without parole if there was discretion to impose a lesser punishment. Upon reconsideration, the trial court acknowledged it had discretion to give Jones a lesser punishment, but gave him life without parole again. Jones appealed, arguing that the trial court was required to make a factual finding that he was permanently incurrigible before it could impose that sentence.

In *Jones v. Mississippi*, the Court, in a 6-3 decision by Justice Kavanaugh, rejected Jones' argument, and held that its prior decisions did not add any requirement that the trial court make any specific factual finding before imposing life without parole. The trial court need only consider the defendant's "youth and attendant characteristics," and not their "incurrigibility." Justice Thomas filed a concurrence arguing that the decision in *Montgomery v. Louisiana*, 577 U.S. 190 (2016), which held that the rule in *Miller* was retroactive in application, was "irreconcilable" with *Miller* and was erroneous. Justice Sotomayor, joined by Justices Breyer and Kagan, dissented, arguing that the majority's decision gutted *Miller* and *Montgomery* by not granting juvenile defendants more protection.

A link to the decision is here: [https://www.supremecourt.gov/opinions/20pdf/18-1259\\_8njq.pdf](https://www.supremecourt.gov/opinions/20pdf/18-1259_8njq.pdf)

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**TAGGED:** Permanently Incorrigible, life without parole, Miller v. Alabama, Jones v. Mississippi, Montgomery v. Louisiana