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A Meaningful Opportunity for Release: A Practical Impossibility

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In 2012, the Supreme Court held that mandatory sentences of life without parole for juveniles (“JLWOP”) violate the Eighth Amendment’s prohibition on cruel and unusual punishment. The landmark, *Miller v. Alabama*, echoed earlier decisions that recognized “a juvenile’s ‘lessened culpability’ and greater ‘capacity for change.’” While *Miller* did not categorically ban JLWOP, the ruling did require sentencing authorities to consider a juvenile offender’s youth and the “wealth of characteristics and circumstances attendant to it” before such a punishment could be imposed. In light of these considerations—or rather, the “mitigating qualities of youth”—the Court stressed that a sentence of JLWOP should be an uncommon occurrence and reserved only for those “whose crime reflects irreparable corruption.” Essentially, for a juvenile’s sentence to pass constitutional muster, the hearing “must provide ‘some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.’” When *Miller* was decided, twenty-nine jurisdictions required JLWOP for some juveniles convicted of murder, and an estimated 2575 inmates were serving JLWOP sentences for a crime committed before they were eighteen years old.

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