Insights: Publications

# A Meaningful Opportunity for Release: A Practical Impossibility

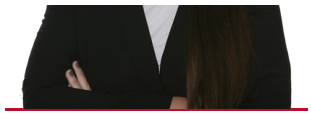
*8 Wake Forest J.L. & Pol'y 503*

**MAY 14, 2018** Written by Caroline Maass

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.

## Related People





Caroline Maass
t 336.607.7346
cmaass@ktslaw.com