**Miller v. Alabama (2012), R2 S10**

**Facts:** Miller, a 14 year old, was convicted of murder and was given a mandatory life sentence without the possibility of parole. Judge did not have the authority to impose a lesser sentence, because the law requires a mandatory life sentence for juveniles convicted of murder despite the nature of the crime. Miller and his friends beat his neighbor and set fire to his trailer, killing him. The case was grouped with *Jackson v. Hobbes* in which Jackson and his friends attempted to rob a video store. The robbery went wrong, and one of Jackson’s friends shot and killed the clerk.

**Procedural History:** Miller was charged as a juvenile, but he was tried as an adult. The trial court found Miller guilty, giving him a mandatory life sentence. The Alabama Court of Criminal Appeals affirmed the ruling. Jackson was tried as an adult and was found guilty and sentenced to mandatory life without parole. The Arkansas Supreme Court affirmed the decision.

**Arguments:**

**Petitioner, Miller**

1. *Roper v. Simmons* and *Graham v. Florida* invalidates mandatory sentence of life without parole to juvenile

-The state cannot ignore the age of the child

2. Culpability of child does play a role in the nature of the crime

3. Alabama ignores the possibility of rehabilitation

**Respondent, State of Alabama**

1. The 8th Amendment is not a barrier to sentencing

* A sentence is not “cruel and unusual” simply because it is mandatory
* Roper does not hold that the Constitution requires the Court to draw detailed sentencing outlines

1. The general guideline drawn in Graham and Roper were supported by a national consensus and widely held moral views

- Miller’s sentence does not contradict societal values

**Issue:** Is mandatory life imprisonment without the possibility of parole cruel and unusual punishment?

**Holding:** Yes, the mandatory aspect of the sentence does not allow “characteristics of youth” to be taken into consideration, allowing the possibility of a disproportionate sentence.

**Legal Reasoning:**

**Justice Kagan Majority Opinion**

1. “Concept of proportionality” is central to the 8th Amendment

* Youth weakens the rationale for severe punishment

1. The offender’s age is relevant to the 8th Amendment

-Mandatory sentence does not consider a youth’s “immaturity, impetuosity, and failure to appreciate risks and consequences”

* Mandatory sentence also does not consider home environment, peer pressure, and “possibility of rehabilitation
* “Characteristics of youth” can make a life without parole sentence unnecessary

1. Converges the precedents in *Roper v. Simmons* and *Graham v. Florida*

* Roper, Court declared a categorical ban to prevent mismatch of class of offender and severity of crime
* Roper held that 8th Amendment bars capital punishment for juveniles
* Graham prohibited the sentence of life without parole of juveniles in nonhomicide offenses
* Graham likens the life without parole to the death penalty
* The two cases converge to conclude that mandatory life without parole violate the 8th Amendment

1. Graham precedent- the Court did say anything about children that was crime specific
2. Responds to Justice Thomas’s argument

* *Harmelin v. Michigan (1991)* does not “preclude” decision- case had nothing to do with children.

1. Responds to Chief Justice Roberts and Justice Alito’s argument that the Court has no power to strike the down a practice held by 29 jurisdictions

- Decision does not categorically bar a penalty, but rather strikes down the mandatory nature of it

**Chief Justice Roberts with whom Scalia, Thomas, and Alito join, Dissenting**

1. The decision invalidates laws of dozen of state legislatures and Congress

* Judicial replacement of legislative power to decide appropriate punishment
* Court does not have power to decide whether society should have a more rehabilitative stance toward juveniles.
* Constitution nor precedent prohibits legislature from mandatory life without parole sentences

1. Decision does not rely on 8th Amendment or societal standards, merely relies on precedent
2. Kagan’s opinion features the word “uncommon” synonymous with “unusual”-leaves door open for expansion of 8th Amendment

**Justice Thomas with whom Scalia joins, Dissenting**

1. “cruel and unusual punishment” intended to prohibit torturous punishment at the time of adoption
2. No proportionality principle in the 8th Amendment

* Court does have the power to invalidate “disproportionate” punishment

1. Decision based on morality of 5 unelected individuals that overruled elected representatives

* moral question of punishment should be left to legislatures

**Justice Alito with whom Scalia joins, Dissenting**

1. Constitution does not support “arrogation of legislative authority”
2. Elected representatives are supposed to reflect societal standards
3. 8th Amendment imposes limits, but leaves policy making up to Congress and state legislatures

* The Court cannot overrule a democratic decision

**Relation to Cases:** *Graham v. Florida, Roper v. Simmons*

**Source of Law:** Graham and Roper precedent, 8th Amendment

**Interpretative Style:** Non-originalist

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