# Jones v. Mississippi

## Facts

### Jones was convicted of murder and imposed a mandatory sentence of life imprisonment, and Mississippi law made him ineligible for parole. *Miller* and *Montgomery* were passed later, restricting the states from imposing life sentence without parole of juveniles or only in most severe cases.

## Procedural History

### The appellate court affirmed his conviction and sentence.

### Supreme Court of Mississippi order a resentencing after a hearing.

### The U.S Court of Appeals of the Fifth Circuit weighed the factors of *Miller* and determined Jones was not entitled to parole eligibility.

## Issue

### Does the 8th amendment protect juveniles from life sentence without parole unless they are permanently incorrigible?

## Held

### No. A sentencing authority need not find a juvenile permanently incorrigible before sentencing them to life without parole. States are entitled to discretionary sentencing system which is constitutionally necessary and sufficient.

## Judgment

### Affirm the judgment of the Mississippi

## Arguments

### Jones

#### Under Miller and Montgomery, juveniles are protected by the 8th amendment from life sentencing without parole unless there is a finding of permanent incorrigibility. Miller and Montgomery will lose its force as a rule of law

#### A sentencer must provide an on-the record sentencing explanation with an “implicit finding” of permanent incorrigibility before sentencing a murdered under 18 to life without parole

#### The issue divided state supreme courts

### Mississippi

#### Jones arguments are inconsistent with Miller and Montgomery

## Legal Reasoning

### Majority, Kavanaugh

#### Under Miller and Montgomery, it is not required a sentencing judge make a separate finding that a juvenile is permanently incorrigible before sentencing life without parole. However, it is constitutionally sufficient for a discretionary sentencing system take in account the age of the defendant.

#### “To be clear, our ruling on the legal issue presented here should not be construed as agreement or disagreement with the sentence imposed against Jones. ... Determining the proper sentence in such a case raises profound questions of morality and social policy. The States, not the federal courts, make those broad moral and policy judgments in the first instance when enacting their sentencing laws.”

### Concurring, Thomas

#### By the Court holding that a minor does not need to be found permanently incorrigible, they have strained the reading of Montgomery instead of outright admitting that it is irreconcilable with Miller and the Constitution. The better choice is to be patently clear that Montgomery was a demonstrably erroneous decision worthy of outright rejection

### Dissenting, Sotomayor (joined by Breyer and Kagan)

#### “The Court rests its conclusion on Montgomery’s modest statement that “Miller did not impose a formal factfinding requirement,” and so “a finding of fact regarding a child’s incorrigibility . . . is not required.” 577 U. S., at 211. This statement is the linchpin of the Court’s opinion. As the Court quietly admits in a footnote, however, Montgomery went on to clarify that the fact “[t]hat Miller did not impose a formal factfinding requirement does not leave States free to sentence a child whose crime reflects transient immaturity to life without parole. To the contrary, Miller established that this punishment is disproportionate under the Eighth Amendment.” Montgomery

#### “Rather than read Miller and Montgomery fairly, the Court reprises Justice Scalia’s dissenting view in Montgomery that Miller requires only a “youth-protective procedure.” 577 U. S., at 225 (emphasis deleted). Justice Scalia’s view did not prevail, however. Montgomery’s interpretation of Miller is binding precedent, just as Miller itself is. ...The question is whether the State, at some point, must consider whether a juvenile offender has demonstrated maturity and rehabilitation sufficient to merit a chance at life beyond the prison in which he has grown up. See Graham, 560 U. S., at 79. For most, the answer is yes.”

## Precedent

### Miller v. Alabama

### Montgomery v. Louisiana

## Source of Law

### 8Th Amendment

## Values

### State discretion v. Constitutional protection

### Juvenile v. Adult

### Permanent incorrigibility v. chance at parole

## Impact

### Leaves more room for the States to make discretionary sentencing decisions