

Peculiarities of the case of miller v. alabama

[Religion](#), [Christianity](#)



In 2012, the Supreme Court ruled on Miller V. Alabama in favor of the petitioners. The case concluded that a life imprisonment sentence without the possibility of parole could not be mandatory sentence for juvenile offenders and was unconstitutional. Before this decision many other cases laid the foundation for life without parole (LWOP) cases for juvenile offenders to be scrutinized. Research has consistently shown the gross difference between juveniles and adults which has demonstrated the cruel and unusual punishment of LWOP. Graham v. Florida, a similar case, demonstrated that juveniles have an increased capacity to change and because of this they are less culpable. It also concluded that an “immature, vulnerable, and not-yet-fully-formed adolescent to live every remaining day of his life in prison...is thus a constitutionally disproportionate punishment” (Miller v. Alabama, 2012, p. 5). Thus, the Supreme Court has established the cruelty of LWOP sentences to juveniles and that it be imposed rarely as it is the harshest penalty for a juvenile offender. This paper will discuss the arguments made in the case, the Supreme Courts decision, a discussion of the decisions weaknesses, and lastly, a Christian worldview of the issue within the case.

In the amicus brief written by the American Psychological Association (APA), it stated two major arguments in support of the petitioners, Miller, seeking to remove LWOP in a majority of juvenile cases. The two arguments were as followed: first, research in developmental psychology and neuroscience documents juveniles’ greater immaturity, vulnerability and changeability (Miller v. Alabama, 2012, p. 6), and second, sentencing juveniles to lifelong imprisonment with no opportunity to demonstrate reform is a disproportionate punishment (Miller v. Alabama, 2012, p. 31). According to

the APA, juveniles are less capable of mature judgment compared to adults. Research has confirmed that adolescents are less capable of regulating themselves like adults and are less able to resist social and emotional impulses in their lives (Miller v. Alabama, 2012, p. 8). Furthermore, juveniles are more vulnerable to negative external influences, particularly peer pressure. Subsequent research has concluded that being susceptible to peer pressure disproportionately causes adolescents to engage in antisocial behavior. Susceptibility increases between the ages of early childhood and adolescence, peaking at age fourteen and slowly declines after age eighteen (Miller v. Alabama, 2012, p. 15-16). Therefore, a juvenile offender that is between ten and sixteen is relatively susceptible to outside influences more than an adult and should not be judged in the same way. Juvenile offenders are not finished developing their character as they are still forming theirs. Identity and character are marked by experience, which juveniles have less of, and in some cases, not even enough to establish a fixed character. Thus, they have the capacity to change and reform compared to adults whose characters have already been formed (Miller v. Alabama, 2012, p. 24). The criminal justice system can reform and change juveniles through the appropriate influence on their character and identity development. Research has also been conducted regarding the brain development of adolescents. As adolescents transition into adulthood their brains mature simultaneously allowing for few impulses toward criminal behavior and an increased ability to restrain negative impulses (Miller v. Alabama, 2012, p. 30). Lastly, because juvenile offenders are not fully formed and have the capacity to change, it is a disproportionate punishment to sentence them to LWOP.

LWOP sentences to juveniles give them no opportunity to demonstrate reform although they are the most likely, of all offender groups to reform because of their age and malleability. Additionally, sentences like LWOP that do not give the opportunity of any release is draconian for juveniles. LWOP sentences for juveniles represents a general understanding of no hope for reformation and “ good behavior and character improvement are immaterial” to the possibility of release. No matter how the prisoner may believe in spirit and mind “ he will remain in prison for the rest of his days” (Miller v. Alabama, 2012, p. 31-32).

These arguments, among others, made it clear to the Supreme Court that juvenile offenders should be given a second chance and the scientific claims to support such an argument of restricting LWOP sentences on juveniles had a place in the Supreme Court. Along with *Graham v. Florida*, *Roper v. Simmons* was another case that explored punishment for juvenile offenders. It concluded that it was cruel to execute a juvenile offender under eighteen. In comparison, *Graham v. Florida*, concluded it was unconstitutional to sentence a juvenile offender with LWOP who committed a non-homicide offense under eighteen. *Miller* established that offenders should be given an individualized sentence before being given an LWOP sentence. It went onto state that LWOPs should be uncommon and the severest possible penalty for youthful offenders. *Miller* resulted from two cases involving juvenile offenders who received mandatory life sentences for homicides. The defendants committed the crimes when they were fourteen years old. First, Kuntrell Jackson was involved in a robbery where his associate shot and killed the store clerk. Jackson was charged as an adult and convicted to

felony murder and aggravated assault. Second, Evan Miller along with an accomplice beat a man in the head after stealing his wallet while Miller proclaimed, “ I am God, I’ve come to take your life” (Stinneford, 2013, p. 1-2). Later, Miller and the friend set the man on fire in his trailer causing him to die of smoke inhalation and severe head injuries. Miller’ background shed light on psychological issues that probed and influenced his participation in the crime he committed. He was in and out of foster care because his parents repeatedly abused substances and him. Furthermore, Miller regularly used drugs, alcohol and attempted suicide on four separate occasions. He was charged as an adult and convicted of murder in arson. Both Jackson and Miller prompted the development of the mandatory LWOP sentence that hadn’t been defined before (Stinneford, 2013, p. 1-2).

In addition to the reframing both Jackson and Millers case, the Miller v. Alabama case, demonstrated an understanding that the Supreme Court had about youth and science which strongly opposed the use of LWOPs in juvenile offenses. First, in combining the three cases listed above they shown that the the Supreme Court had developed a distinction within the constitution between minors (those under eighteen) and adults which applied across contexts. The Supreme Court has made it clear that children are “ constitutionally different” from adults which extends beyond “ criminal sentencing” (Stinneford, 2013, p. 2). Second, neuroscience studies documented the evolving of the adolescent brain and its fragility and malleability as qualities of possible reformation in the future. As a result, Miller required that juvenile offenders, particularly those that commit homicide should be given an individualized sentence determination before

they are given an LWOP. In this way, they can be given the opportunity to reform and demonstrate their evolved character that self-regulates criminal behavior (Stinneford, 2013, p. 1-2). Clearly, Miller has established the acceptance of a developmental model of youth crime to the Supreme Court that embraces regulation from a level of developmental understanding. By giving it constitutional status that the differences in adults and youth are constitutional it establishes a rule of law for judging both groups differently. Stinneford (2013) discusses four lessons that policymakers are to take from the decision in the Miller case. First, since juveniles are less culpable than adults, as explained above, they should be given leniency on criminal judgment. Second, transferring juveniles from juvenile to adult court should be rare and based individually by the judge. Third, juvenile convictions should focus on reformation and not punishment because of the ability for juveniles to change. Lastly, developmental science has proven to be useful in understanding juvenile motivations and subsequent practices for regulating juvenile crime. As a result, it should guide all juvenile crime regulation as its demonstrated in the Miller case that it could (Stinneford, 2013, p. 7).

While Stinneford (2013) commends Miller v. Alabama for introducing new arguments and lessons for policymakers and the legal decision-making altogether, Stinneford (2013) fails to address the weaknesses of the case. Fuller (2013) and Lerner (2012) assess the relative weaknesses of the case and the supreme courts decision. Fuller (2013) wrote a case note in response to the Supreme Courts decision arguing about its failure to establish a categorical rule prohibiting juvenile LWOP sentences (p. 378). Similarly, in the other cases Roper and Graham, it a broad rule forbidding the juvenile

LWOP sentence was not established. Instead, the Supreme Court prohibited the mandatory sentence aspect which violated the constitutionality set in distinguishing children and adults (Fuller, 2013, p. 394). The end-result of the Miller case has left the implementation of LWOP at the discretion of a judge. Despite the scientific evidence and the constitutionality established by the three cases there is still a chance for courts to guarantee a juvenile homicide offender LWOP regardless of what the offender does to demonstrate rehabilitation (Fuller, 2013, p. 396). These cases have still left the possibility open by not banning the practice altogether. It can be assumed that the most logical step Miller could have taken is to demonstrate the unfairness of the practice altogether and the need for it to be abolished simply because it is cruel and unusual punishment for youthful offenders. Fuller (2013) argues that a broad rule would provide judges with the discretion to impose a proper sentence to a juvenile offender. This sentence would include an understanding of the youthful offenders personal background and mitigating factors that could have contributed to the crime itself. It is not to say that the youthful offenders Miller and Jackson do not deserve severe punishments, but it is to demonstrate that because of their ages there is a possibility of reformation that cannot be given in a LWOP sentence (Fuller, 2013, p. 397). In the arguments mentioned above that children are highly impressionable, susceptible to peer pressure and are delayed developmentally compared to an adult. These are arguments well suited to defending a categorical ban yet were not pursued by neither the Roper, Graham or Miller case. As I mentioned before, judges are still allowed to impose LWOP sentences on juvenile offenders even if it is considered rare, it is done so at their

discretion. They can determine for themselves that a juveniles actions are irredeemable and life imprisonment is the only way they can be punished for their crime. However, Fuller (2013) argues that this determination should be made after the juvenile is removed from society and has been in prison for some time (p. 398). Then, a parole board can evaluate the rehabilitation status of the offender and determine if an LWOP sentence is necessary, although Fuller wholly disagrees with the practice altogether.

Similarly to Fuller (2013), Lerner (2012) establishes that the three cases argued that juvenile offenders' immaturity, vulnerability to peer pressure and ability to change demonstrated a less deserving of severe punishment compared to adults. Lerner (2012) that this reasoning could have led to the prohibition of juvenile LWOP sentences but instead it required the "individualized sentencing" in death penalty cases (p. 29). It compared LWOP for juveniles with the death penalty and further went onto state the "uncommon" nature of juvenile LWOP responses despite the 2, 000 LWOP juvenile offenders nationwide (Lerner, 2012, p. 29). Clearly, the Miller has left confusion in the wake of the Supreme Court's ruling. The Miller case has presented a contradiction as it presents LWOP sentences to minors (i. e. juvenile offenders) as unconstitutional, cruel and unusual punishment while stating it can be given as a sentence if results from "individualized sentencing." Prior to the ruling mandatory LWOP sentences were being given based on specific crimes, particularly those dealing with homicide. Graham challenged this by removing the element of homicide with the sentencing but did not contest LWOP sentences for juveniles in general. Miller challenged the issuing of mandatory LWOP sentences by placing it at the

judges discretion through “ individualized sentencing” (Lerner, 2012, p. 30). However, even with these instructions Lerner (2012) argues it is unclear what the Supreme Court means by “ individualized sentencing” (p. 30). Lerner (2012) also argues that in some cases LWOP and long prison sentences can often be considered the same. Justice Kagan stated that the difference in LWOP is that there is a mandate that the defendant die in prison (Lerner, 2012, p. 37). For example, a defendant that will only have the possibility of release after they’ve served 80 years will indefinitely spend their life in prison. Individualized sentencing which is granted by Miller can certainly allow for judges to serve long sentences that are equivalent to life imprisonment for juvenile offenders for serious crimes. Miller does caution the “ imposition of the harshest possible penalty for juveniles,” which is considered LWOP (Lerner, 2012, p. 38). Nonetheless, a long prison sentence has not been established by this case as related to LWOP or a category thereof. Lerner (2012) believes there needs to be a clarification whether long prison sentences should be deemed LWOP for the purposes of the preceding cases (p. 38). Lastly, Lerner (2012) argues that it is unusual that when LWOP is imposed on a capital murder case it is considered more cruel than a non-homicide case where mandatory LWOP sentences are imposed on young adults (p. 39). As a result of the Miller among many others there has spurred a series of cases involving the Eighth amendment outside of juvenile offenses. In the case Angelos, a twenty-four year old first-time offender was convicted with three drug deals while possessing a firearm. His conviction of three mandated violations qualified him for mandatory penalty of fifty-five years in prison, which states “ he will not be eligible for release until he turns

seventy years old” (Lerner, 2012, p. 40). Although a twenty-four year old is not susceptible to peer pressure like a minor nor is vulnerable one can make the argument that they are certainly able to change especially since a twenty-four year old hasn’t formed character indefinitely. Lerner (2012) believes that Angelos is a much more sympathetic offender than Jackson and Miller, which should be demonstrated in his sentence.

The Miller and those preceding it have established the constitutional difference between children and adults, thus, a reconsideration of punishment regarding juvenile offenders. However, it has allowed for LWOP sentences to continue under “ individualized sentencing” at a judges discretion, which can most certainly be in line with previous mandatory LWOP sentence rubrics. Also, the language does not distinguish between long sentences which can span decades and can also be considered LWOP sentences for juveniles. Nonetheless, Miller has established that LWOP sentences for juveniles were cruel and unusual punishment and mandatory LWOP sentences should not be imposed on juvenile offenders.

This case has arisen a variety of topics, but in particular addresses the punishing of youthful offenders which Miller and other cases have deemed worthy of reformation, which is inhibited indefinitely by LWOP sentences that are imposed on some juvenile offenders. To understand how the Christian worldview would be applied to this situation it is best to understand the concepts of love, forgiveness and judgment for Christians. These concepts are important in how Christians evaluate punishment and understand how it should be applied to all people, and children, in particular.

Murphy (2003) states that Christianity thinks about punishment around “ the value of love” (p. 261). When evaluating punishment for crimes committed a Christian would focus on the common good that would benefit the soul or character. Punishments that are harmful to the soul are avoided and those that are beneficial to the soul and correspond with the common good are favored (Murphy, 2003, p. 261). Paul affirms the greatest value of Christian virtue is love as he states in Corinthians 13:

1. If I speak with the tongues of men and of angels, but do not have love, I have become a noisy gong or a clanging cymbal,
2. Love is patient, love is kind and is not jealous; love does not brag and is not arrogant,
3. Does not act unbecomingly; it does not seek its own, is not provoked, does not take into account a wrong suffered,
4. Does not rejoice in unrighteousness, but rejoices with the truth,
5. But now faith, hope, love, abide these three; but the greatest of these is love. (Holy Bible, 1995)

Being a Christian means that one must love all and be patient, kind, understanding and selfless. It is a kind of love that is truthful and is one of the greatest attributes of Christian living. In seeking justice the Christian worldview is to impose punishment based on the truth. Also, that ethical behavior in the Christian perspective is rooted in love.

Second, Christianity involves humbling of ones self and personal concerns by applying forgiveness and avoiding judgment. The tendencies of human nature toward pride and narcissism work in counter to Christian beliefs of

selflessness. In the eyes of God everyone is flawed and in need of forgiveness. Christians must forgive because everyone needs forgiveness, as demonstrated by Matthew 18. Jesus tells the story of an ungrateful slave who was forgiven by his master and would not forgive his fellow slaves. As a result, the lord handed him to the torturers to repay all that he owed him. Jesus states that this too will be the punishment from God if followers do not forgive each other with their hearts. In Matthew 18: 21-22 it states:

Then Peter came and said to Him, “ Lord, how often shall my brother sin against me and I forgive him? Up to seven times?

Jesus said to him, “ I do not say to you, up to seven times, but up to seventy times seven.” (Holy Bible, 1995)

There is no number of times forgiveness can be given because it should be unlimited. Christian worldview defines forgiveness as everlasting. Similarly, so too judgment should be given be given. In Proverbs 14 the bible states that one should open their mouth and judge righteously to defend the afflicted and needy (Holy Bible, 1995). The rights of the privileged and the guarantee of righteousness towards them are connected to justice.

Furthermore, the harassment and suppression of the underprivileged is seen as an insult to the “ Maker” (Proverbs 14: 31; Holy Bible, 1995). The underprivileged can be defined across all contexts when applied to parts of life. In the bible Christian law is made to protect the weak against the strong, the poor against the rich, along with women and children. As a protected group children are seen as weak and should be protected under Christian

law. In Corinthians 13 children are discussed as the beginning of a formation of character and love as a Christian. Paul states:

For we know in part and we prophesy in part;

but when the perfect comes, the partial will be done away.

When I was a child, I used to speak like a child, think like a child, reason like a child; when I became a man, I did away with childish things.

For now we see in a mirror dimly, but then face to face; now I know in part, but then I will know fully just as I also have been fully known (Holy Bible, 1995).

Clearly, Christianity here demonstrates an understanding of the difference between adulthood and childhood which has been legally demonstrated in the Miller case. He used to speak like a child, think like one and reason like one but once he formed his character everything he once thought was gone. He had become a new person that could “fully know” love and understand value of love as it relates to humanity. His actions, consequences and understanding of humanity were not yet formed until he became a man. In applying this understanding of childhood to juvenile offenders a Christian perspective would take this example and many others in the bible to demonstrate the weakness of children, their immaturity and ability to reform. As Paul had done away with his childish things so too can juvenile offenders change the ways they thought, spoke and reasoned which could significantly effect their ability to offend again.

The Christian approach to punishment considers love, truthful judgment and understanding of children when evaluating the issue of juvenile offenders and LWOP sentences. With love Christians seek to apply punishments that oppose its basis on hatred and apply forgiveness instead. Lastly, punishment for Christians should promote the common good and the reformation of the criminal spiritually, which cannot be done in a LWOP sentence for a juvenile offender (Murphy, 2003, p. 274). Spending ones life in prison causes the prisoner to lose hope and even with reformation may never be given the chance to be released. However, Christian views can vary on punishment as there are many Christians whom support the death penalty and reason that their beliefs are in line with that. Nonetheless, the Christian point view seeks to choose punishment that does not create an obstacle to the offenders opportunity to repent, reform and atone for their sins (Murphy, 2003, 275). LWOP sentences cause a direct obstacle to the ability for a juvenile offender to repent, reform and atone as it denies the right to return to society as should be deserved for those who reform.