

Supreme Court: *Miller v. Alabama's* Prohibition on Mandatory Life without Parole Sentences for Children Applies Retroactively.

On Monday, January 25, 2016, in *Montgomery v. Louisiana*, 577 U. S. ____ 2016, the United States Supreme Court declared the sentencing of Henry Montgomery to life in prison without the possibility of parole for a crime he committed in 1963 at the age of 17 unconstitutional. The Court announced that the holding of *Miller v. Alabama*, 567 U. S. ____ (2012), is retroactive to juvenile offenders whose convictions and sentences were final when *Miller* was decided. The Court had ruled in *Miller* that the Eighth Amendment prohibition against cruel and unusual punishment forbids mandatory sentencing of a juvenile convicted of a homicide offense to life in prison without parole; a sentence which is only appropriate for the rare child whose crimes reflect irreparable corruption, as opposed to transient immaturity. *Miller* requires that a sentencing court consider a child's diminished culpability and heightened capacity for change before condemning him or her to die in prison.

Montgomery was convicted of killing a deputy sheriff and his sentence of life without the possibility of parole was automatically imposed. Montgomery is now 69 years old and has spent almost his entire life in prison. He submitted that he has evolved from a troubled, misguided youth to a model member of the prison community, and sought review of a Louisiana Supreme Court decision that *Miller* did not have a retroactive effect on his case. The U. S. Supreme Court granted Montgomery's petition for certiorari and held that when a new substantive rule of constitutional law controls the outcome of a case, the Constitution requires state collateral review courts to give retroactive effect to that rule. In discussing retroactivity, the Court declared that a state may remedy a *Miller* violation by permitting juvenile homicide offenders to be considered for parole. The opportunity for release will thereby be afforded to those who demonstrate the truth of *Miller's* central intuition—that children who commit even heinous crimes are capable of change.

The opinion may be found at: http://www.supremecourt.gov/opinions/15pdf/14-280_4h25.pdf