



For Immediate Release
Thursday, April 22, 2021

LDF Media
212-965-2200 / media@naacpldf.org

Supreme Court Rules Trial Courts Not Required to Make a Finding of Permanent Incurrigibility Before Sentencing Underaged Youth to Life Without Parole

Today, the U.S. Supreme Court ruled in *Jones v. Mississippi* that the Eighth Amendment does not require a trial court to make a specific finding that an underaged youth sentenced to life without the possibility of parole is “permanently incorrigible,” or incapable of reform. The Court’s decision limits the scope of its prior decisions in *Miller v. Alabama* and *Montgomery v. Louisiana*, which together prohibit mandatory life without parole sentences for young people under the age of 18, instead of requiring an individualized sentencing determination to identify those rare instances when a life without parole sentence would be appropriate. Today’s decision allows trial courts to purportedly conduct individualized sentencing determinations and sentence youth to life without parole without making a finding of permanent incorrigibility.

“The Supreme Court’s decision in *Jones* diminishes years of Supreme Court precedent that recognized the categorical differences between adults and underaged youth, who are inherently less culpable for their crimes, in large part due to their capacity for rehabilitation as they mature into adulthood,” said NAACP Legal Defense and Educational Fund, Inc. (LDF) Senior Deputy Director of Litigation Jin Hee Lee. “Although the Supreme Court previously ruled multiple times that life without parole sentences should be reserved for the rare youth offender who is permanently and irreparably corrupt, today’s decision does not require trial courts to clearly make that distinction. This is a massive failure of our justice system to allow the most severe sentence to be imposed on underage youth with no specific explanation.”

“Black youth and other children of color are at the most risk under the Court’s ruling in *Jones*,” said Mahogane Reed, LDF’s John Payton Appellate and Supreme Court Advocacy Fellow. “Racial disparities plague the criminal justice system, and they are especially pronounced when it comes to the imposition of juvenile life without parole sentences, which are disproportionately imposed against Black youth. The Court’s decision enhances the preexisting risk of arbitrary and biased sentencing by failing to require trial courts to make specific findings that would support sentencing youth to die in prison.”

In June 2020, LDF filed an amicus brief in support of Mr. Jones, joined by the Juvenile Law Center, the Lawyers’ Committee for Civil Rights Under Law, and 65 other amici. LDF argued that requiring sentencing courts to make findings of permanent incorrigibility will help avoid biased sentencing and reduce the risk that sentencing courts will continue to impose life without parole sentences on Black children who are capable of reform.

###

Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since

1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).