

Editorial: Repeal of life sentences for minors should be retroactive

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The Supreme Court made the right call two years ago when it found unconstitutional state laws mandating a life sentence without parole for minors convicted of grievous crimes. But in that decision, *Miller vs. Alabama*, the court left unresolved a crucial detail: Did the decision apply only to future cases, or did it extend to minors already serving life sentences? The court now has a chance to answer that question and to complete this important act of justice and decency by making the ruling retroactive.

The current case involves George Toca of Louisiana, who had just turned 17 in 1984 when, police said, he accidentally shot and killed an accomplice during a robbery. Toca maintains that someone else killed his friend (the Innocence Project has taken on the case), but that's not the key issue in the appeal. After 30 years behind bars, Toca argues that he's a different person than the child who was imprisoned in 1985 and that the *Miller* ruling means he should be able to offer mitigating evidence at a new sentencing hearing. Unsurprisingly, the state of Louisiana disagrees.

The *Miller* case involved a young man convicted of an even more heinous crime. In 2003, *Miller*, then 14, and a friend beat a neighbor with a baseball bat, then torched a house trailer with the victim still inside. The Supreme Court previously had recognized that, biologically and psychologically, young minds are not fully formed and, among other things, teens have an underdeveloped sense of responsibility. Given that, the court

ruled in Miller that a mandatory sentence of life without parole for minors violated the 8th Amendment's prohibition against cruel and unusual punishment. Sentences in such cases, the court held, must be tailored to the individual circumstances of the crime.

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