BETWEEN JUVENILES AND ADULTS: *COMMONWEALTH V. MATTIS* AND ITS ROLE IN REDEFINING LEGAL STANDARDS FOR EMERGING ADULTS

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ABSTRACT

The Massachusetts Supreme Judicial Court's 2024 decision in Commonwealth v. Mattis *marked the first time any state has categorically banned life without parole beyond the juvenile context, applying that ban to individuals aged eighteen to twenty. In doing so, the court recognized that these individuals—known as "emerging adults"—share key developmental traits with juveniles, including heightened impulsivity, greater susceptibility to peer influence, and a diminished capacity to assess long-term consequences. These developmental differences make emerging adults more similar to juveniles than to fully mature adults, undermining the justification for life without parole—the harshest punishment available short of the death penalty.*

This Note argues that the reasoning underlying the Mattis *decision does not end at age twenty. Developmental science generally recognizes "emerging adulthood" as extending through age twenty-five, and the characteristics identified in* Mattis *persist throughout that period, undermining any meaningful distinction at twenty-one. The age-crime curve likewise shows that criminal behavior peaks in late adolescence and early adulthood before declining sharply, while recidivism data further challenges*

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the assumption that individuals who commit serious offenses during this period remain permanently dangerous. Together, this evidence weakens retributive and deterrence-based justifications for life without parole and supports sentencing approaches that preserve the possibility of rehabilitation.

Situating Mattis *within a broader national context, this Note argues that the decision reflects—and accelerates—a shift toward development-informed sentencing. Courts, legislatures, and prosecutors increasingly recognize emerging adults as a distinct category warranting individualized and rehabilitative approaches. Building on these developments, this Note contributes to the growing legal discourse on emerging adulthood by showing how* Mattis *provides a framework for extending categorical protections through age twenty-five, aligning sentencing law with developmental science, principles of proportionality, and modern understandings of culpability.*

INTRODUCTION

Between 1995 and 2017, 40% of individuals sentenced to life without parole in the United States were under twenty-six at the time of conviction, with the peak age at twenty-three.[1] Because conviction follows the offense, this means they were even younger when the crimes occurred.[2] Life without parole is supposed to be reserved for the most irredeemable offenders,[3] yet many who receive it committed their offenses before reaching full adulthood. This tension raises a central question: Should individuals still in the process of maturing be condemned to spend the rest of their lives in prison?

The growing body of developmental science makes that question impossible to ignore.[4] Research recognizes "emerging adulthood" as a

1. ASHLEY NELLIS & NIKI MONAZZAM, THE SENT'G PROJECT, LEFT TO DIE IN PRISON: EMERGING ADULTS TWENTY-FIVE AND YOUNGER SENTENCED TO LIFE WITHOUT PAROLE 2, 4 n.9 (2023), https://www.sentencingproject.org/app/uploads/2023/09/Left-to-Die-in-Prison-Emerging-Adults-25-and-Younger-Sentenced.pdf [https://perma.cc/4LLW-3HED]. "Peak age" is the "most common age among those sentenced to [life without parole]. It differs from the average, which reflects the ages of all persons sentenced in this 23-year period divided by the total number of people sentenced." *Id.* at 4 n.9.

2. The time between age at offense and age at sentencing is approximately one year. *Id.* at 4 n.10.

3. *See* Miller v. Alabama, 567 U.S. 460, 479–80 (2012) (explaining that life without parole is disproportionate except for "the rare juvenile offender whose crime reflects irreparable corruption"); Montgomery v. Louisiana, 577 U.S. 190, 209 (2016) (clarifying that life without parole may be imposed only on juveniles "incapable of rehabilitation"). While these cases addressed juveniles, they reflect the broader principle that life without parole is reserved for individuals deemed incapable of reform.

4. CATHERINE INSEL, STEPHANIE TABASHNECK, FRANCIS X. SHEN, JUDITH G. EDERSHEIM & ROBERT T. KINSCHERFF, CTR. FOR LAW, BRAIN & BEHAV. AT MASS. GEN. HOSP., WHITE PAPER ON THE SCIENCE OF LATE ADOLESCENCE: A GUIDE FOR JUDGES, ATTORNEYS, AND POLICY MAKERS 1 (2022); Brief of Amici Curiae Neuroscientists, Psychs., and Crim. Just. Scholars in Support Defendant-Appellant Sheldon Mattis and Affirmance at 2, Commonwealth v. Mattis, 224 N.E.3d 410 (Mass. 2024) (No. SJC-11693) [hereinafter Brief of Amici Curiae Neuroscientists et al.].

distinct stage between adolescence and full adulthood, spanning ages eighteen through twenty-five.[5] During this period, individuals gain greater independence and take on adult responsibilities, but their impulse control, risk assessment, and long-term decision-making remain less developed than in older adults.[6] The prefrontal cortex—the brain region responsible for self-regulation and rational decision-making—continues maturing well into the mid-twenties, which affects judgment, risk-taking, and susceptibility to external influences.[7] As a result, emerging adults exhibit greater impulsivity, heightened sensitivity to immediate rewards, and reduced ability to consider long-term consequences, especially in high-pressure situations.[8] Despite these well-documented developmental differences, the U.S. legal system has long treated individuals eighteen and older as fully mature, subjecting them to the same extreme sentences as significantly older offenders—and, historically, even trying juveniles as adults.[9]

Recently, however, courts and policymakers have begun to recognize that young adults should not be sentenced as if they were neurologically and psychologically indistinguishable from older adults.[10] That recognition was most clearly expressed on January 11, 2024, when the Massachusetts Supreme Judicial Court decided *Commonwealth v. Mattis*, categorically banning life-without-parole sentences for individuals under twenty-one at the time of their offense.[11] In doing so, the court defined "emerging adults" as those aged eighteen, nineteen, and twenty and acknowledged that they share key developmental traits with juveniles.[12] Massachusetts thus became the first state in the nation to prohibit both mandatory and discretionary life without parole for this age group.[13] The decision is also retroactive, rendering individuals convicted of first-degree murder years—even decades—ago eligible for parole, with some qualifying immediately and others after a set number of years.[14] By grounding its reasoning in

5. SELEN SIRINGIL PERKER & LAEL CHESTER, MALCOM WIENER CTR. FOR SOC. POL'Y, EMERGING ADULTS: A DISTINCT POPULATION THAT CALLS FOR AN AGE-APPROPRIATE APPROACH BY THE JUSTICE SYSTEM 1 (2017), https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/MA_Emerging_Adult_Justice_Issue_Brief_0.pdf [https://perma.cc/L7WJ-FNHL].

6. Brief of Amici Curiae Neuroscientists et al., *supra* note 4, at 17.

7. *Id.*

8. *Id.*

9. NELLIS & MONAZZAM, *supra* note 1, at 8. *See generally Overview of US Supreme Court Decisions*, JUV. SENT'G PROJECT (2024), https://juvenilesentencingproject.org/us-supreme-court-decisions [https://perma.cc/X2X8-9AZT] (providing an overview of U.S. Supreme Court rulings on juvenile sentencing).

10. *See* PERKER & CHESTER, *supra* note 5, at 4 (discussing jurisdictions reconsidering sentencing frameworks for emerging adults); *see also infra* Section III.B.2

11. Commonwealth v. Mattis, 224 N.E.3d 410 (Mass. 2024).

12. *Id.* at 415; *see infra* note 145.

13. Stevie Leahy, *"Emerging Adults" Can No Longer Be Sentenced to Life Without Parole: The Impact of* Commonwealth v. Mattis, BOS. BAR J., Spring 2024, at 8, 8.

14. Liam Lowney, *The Impact of* Mattis *on Surviving Families of Homicide Victims*, BOS. BAR J.,

developmental science, *Mattis* became the first decision to extend constitutional protections beyond juveniles and marked a broader shift in how the legal system views the culpability of young adults.[15]

But the same developmental traits that justified *Mattis* persist beyond age twenty. Heightened impulsivity, susceptibility to peer influence, and challenges with long-term decision-making continue well into the early-to-mid-twenties. Because developmental science does not support a sharp distinction between individuals at twenty-one and those at twenty-five, sentencing protections should cover the entire emerging adult age range.[16] Extending these protections would ensure that sentencing laws fully account for developmental science and recognize the rehabilitative potential of this population. While *Mattis* was a crucial first step, its reasoning does not extend through age twenty-five, underscoring the need for sentencing policies grounded in science rather than arbitrary legal cutoffs.

This Note builds on that insight, arguing that the reasoning in *Mattis* supports extending sentencing protections through age twenty-five. Part I surveys the legal and scientific foundations that shaped sentencing practices for juveniles and young adults, reviewing both the justifications for punishment and the Supreme Court's evolving recognition of diminished culpability in juveniles. It also examines the broader shift in legal and scientific understanding that distinguishes emerging adults from fully mature adults. Part II analyzes the *Mattis* decision, explaining the court's reliance on developmental science in banning life without parole for those under twenty-one. Part III argues that the same rationale supports extending protections through age twenty-five, drawing on neuroscientific, psychological, and criminological research. Part IV considers the broader policy and legal implications of such an extension, including counterarguments, judicial trends, and the potential for national sentencing reform.

By analyzing these themes, this Note contributes to the growing legal discourse on emerging adulthood and sentencing reform. It calls for a justice system that recognizes developmental science and prioritizes rehabilitation over excessive punishment. Extending sentencing protections through age twenty-five not only aligns with modern research on culpability, but also promotes a more just and effective system that supports rehabilitation and reintegration rather than permanent exclusion.

Spring 2024, at 16, 18.

15. Leahy, *supra* note 13, at 10 ("[*Mattis*] is likely to be the first domino in a series of jurisdictions that follow in the footsteps of the [Supreme Judicial Court].").

16. PERKER & CHESTER, *supra* note 5, at 2.

I. BACKGROUND

Evaluating whether the reasoning of *Mattis* extends beyond age twenty requires situating that decision within the broader constitutional and scientific framework governing youth sentencing. The U.S. Supreme Court's modern Eighth Amendment doctrine rests on two interrelated developments: (1) a reassessment of the traditional justifications for punishment and (2) a growing recognition that young offenders possess diminished culpability. This Part traces those developments, examines the Court's recognition of diminished culpability in juveniles, and situates the concept of emerging adulthood within the same constitutional framework.

A. THE LEGAL LANDSCAPE'S UNDERSTANDING OF JUVENILES' REDUCED CULPABILITY

Since the early 2000s, the U.S. Supreme Court has significantly transformed the treatment of juvenile offenders in the criminal justice system, marking a shift from severe punitive measures to more humane and tailored approaches.[17] This period has reflected deeper understandings of adolescent psychology and evolving societal views on punishment and the Eighth Amendment.[18]

1. The Legal Bases for Punishment

Understanding this doctrinal shift requires examining the core theories of punishment that underlie Eighth Amendment sentencing. Retribution, deterrence, and rehabilitation have long formed the foundation of criminal sentencing.[19] These theories provide distinct justifications for punishment and serve as the framework courts use to assess the constitutionality of various sentencing practices. Theories of punishment themselves are not static; "[t]he motives for the infliction of punishment are dependent upon custom, tradition, level of knowledge, and social and economic conditions."[20] As society's understanding of crime evolves, so too do its beliefs about the most effective and just methods of punishment. While historically applied uniformly to all offenders, legal scholars and psychologists have increasingly questioned whether these theories apply

17. *Overview of US Supreme Court Decisions*, *supra* note 9.

18. *Id.*

19. *See generally* JOSHUA DRESSLER, UNDERSTANDING CRIMINAL LAW (9th ed. 2022) (tracing the development of criminal punishment and identifying retribution, deterrence, and rehabilitation as its primary justifications).

20. Joel Meyer, *Reflections on Some Theories of Punishment*, 59 J. CRIM. L. & CRIMINOLOGY 595, 595 (1969).

with equal force to juveniles, given their cognitive and behavioral differences.[21]

Retribution, grounded in the principle of "just deserts," treats punishment as a moral response to the crime.[22] It emphasizes proportionality, ensuring that the punishment matches the severity of the offense and the harm caused, while holding offenders accountable.[23] The goal is to maintain balance in the system by ensuring that individuals receive the consequences they deserve.[24] Unlike deterrence and rehabilitation, which are forward-looking theories focused on future behavior, retribution is backward-looking, concerned with fairness and focused on past actions rather than future outcomes.[25] For fully developed adults, retribution rests on the principle of moral responsibility, which assumes that individuals possess the capacity for rational decision-making and full moral culpability—that they knowingly commit a crime with an understanding of its consequences.[26]

For juveniles, however, the justifications underlying retribution are less compelling.[27] Neuroscientific research shows that juveniles have underdeveloped impulse control, weaker risk assessment abilities, and greater susceptibility to external influences such as peer pressure.[28] These cognitive limitations raise doubts about whether juveniles can be held to the same standard of moral responsibility as adults. If immaturity diminishes the moral blameworthiness of an offender, then imposing the harshest punishments, such as the death penalty or life without parole, raises fundamental concerns about fairness and proportionality.[29]

Unlike retribution's backward-looking focus, deterrence theory aims to prevent future crimes by instilling a fear of consequences.[30] Laws that

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21. *See* Laurence Steinberg & Elizabeth S. Scott, *Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty*, 58 AM. PSYCH. 1009, 1010 (2003); Richard J. Bonnie & Elizabeth S. Scott, *The Teenage Brain: Adolescent Brain Research and the Law*, 22 CURR. DIR. PSYCH. SCI. 158, 159 (2013); E. Lea Johnston, *Retributive Justifications for Jail Diversion of Individuals with Mental Disorder*, 35 BEHAV. SCI. & L. (SPECIAL ISSUE) 396, 398 (2017).

22. ANDREW VON HIRSCH & ANDREW ASHWORTH, PROPORTIONATE SENTENCING: EXPLORING THE PRINCIPLES 4 (2005).

23. *Id.* at 139–40; Meyer, *supra* note 20, at 595–96.

24. Meyer, *supra* note 20, at 595–96; Tison v. Arizona, 481 U.S. 137, 149 (1987) ("The heart of the retribution rationale is that a criminal sentence must be directly related to the personal culpability of the criminal offender.").

25. VON HIRSCH & ASHWORTH, *supra* note 22, at 4; Johnston, *supra* note 21, at 401.

26. Johnston, *supra* note 21, at 397.

27. *See* Steinberg & Scott, *supra* note 21, at 1012–13.

28. Brief of Amici Curiae Neuroscientists et al., *supra* note 4, at 16; Bonnie & Scott, *supra* note 21, at 159; INSEL ET AL., *supra* note 4, at 24–26.

29. *See* Bonnie & Scott, *supra* note 21, at 160.

30. Meyer, *supra* note 20, at 597 ("Deterrence is an advertisement of punishment to effect fear in the potential criminal.").

impose a range of sanctions for criminal offenses, from fines and probation to lengthy imprisonment, aim to send a message that violating laws results in legally enforceable consequences.[31] The goal is to dissuade previously punished individuals from reoffending, a concept known as specific deterrence, and to discourage others from committing crimes, which is referred to as general deterrence.[32] For deterrence to be effective, individuals must be capable of rationally assessing risks and rewards before committing a crime.[33] Because fully developed adults are expected to engage in such reasoning before acting, deterrence theory assumes they will weigh the potential consequences before committing an offense.[34]

Applied to juveniles, however, deterrence theory proves far less effective.[35] Developmental research confirms that adolescents engage in riskier behavior and have a reduced ability to anticipate long-term consequences.[36] Their actions are often driven by impulsivity, peer influence, and underdeveloped executive functioning, rather than by rational calculations of risk and reward.[37] Because juveniles struggle with long-term decision-making, they are less likely to process consequences in the way deterrence theory presupposes. This has led scholars and policymakers to question whether extreme punishments such as life without parole can meaningfully deter juvenile crime.[38] Courts too have recognized that young individuals may not respond to deterrence-based policies in the same way as adults, further undermining deterrence as a justification for the most severe penalties.[39]

Rehabilitation offers a different rationale, focusing not on punishment, but on the capacity for change. It emphasizes addressing the underlying causes of crime—through treatment, education, and interventions—to reduce recidivism and reintegrate offenders into society.[40] This theory holds that addressing the underlying factors that contribute to criminal behavior reduces recidivism and ultimately benefits both the individual and society.

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31. Raymond Paternoster, *How Much Do We Really Know About Criminal Deterrence?*, 100 J. CRIM. L. & CRIMINOLOGY 765, 766 (2010).
32. *Id.* at 782.
33. *Id.*
34. *Id.*
35. Laurence Steinberg, *Risk Taking in Adolescence: New Perspectives from Brain and Behavioral Science*, 16 CURR. DIR. PSYCH. SCI. 55, 56 (2007).
36. *Id.*
37. *Id.*
38. Paternoster, *supra* note 31, at 813–14.
39. *See infra* Section I.A.2.
40. Mark W. Lipsey & Francis T. Cullen, *The Effectiveness of Correctional Rehabilitation: A Review of Systematic Reviews*, 3 ANN. REV. L. SOC. SCI. 297, 299 (2007).

For adults, rehabilitative efforts often target substance abuse, mental health, or vocational training.[41]

Rehabilitation is especially well-suited to juveniles, who are still forming their identity, decision-making abilities, and moral reasoning.[42] Their greater capacity for change makes rehabilitation a more fitting rationale for sentencing than retribution or deterrence, which have traditionally justified the harshest punishments, such as the death penalty and life without parole.[43]

Reflecting this, the U.S. Supreme Court has increasingly recognized that the traditional justifications for extreme punishment weaken when applied to juveniles.[44] Invoking the Eighth Amendment's prohibition on "cruel and unusual punishments," the Court has struck down extreme sentencing practices that ignore developmental differences and the capacity for change.[45] The next Section traces this doctrinal shift and the Court's recognition that the Constitution requires different treatment for young offenders.

2. The U.S. Supreme Court's Recognition of Diminished Culpability

The Supreme Court has interpreted the Eighth Amendment to require that punishments be proportional to the offense, evolving alongside societal standards of decency, which "mark the progress of a maturing society."[46] Notably, in cases such as *Weems v. United States* and *Trop v. Dulles*, the Court emphasized that Eighth Amendment excessiveness claims must be evaluated through contemporary legal and moral norms, which are informed by objective factors and existing legislation.[47] Furthermore, in decisions like *Harmelin v. Michigan*, the Court clarified that proportionality review should be as objective as possible, while still allowing the justices to apply their own judgment to evaluate the rationale and fairness of the punishments ordered by law.[48]

Against this constitutional backdrop, the *Atkins v. Virginia* decision in 2002 marked a turning point in how the Eighth Amendment applies to

41. *Id.*
42. Steinberg & Scott, *supra* note 21, at 1016.
43. *See* Meyer, *supra* note 20, at 596; Atkins v. Virginia, 536 U.S. 304, 319 (2002); *see also infra* text accompanying notes 169–71 (discussing that emerging adults have a greater capacity for change).
44. *See, e.g.*, Thompson v. Oklahoma, 487 U.S. 815, 837 (1988) ("The likelihood that the teenage offender has made the kind of cost-benefit analysis that attaches any weight to the possibility of execution is so remote as to be virtually nonexistent.").
45. U.S. CONST. amend. VIII.
46. Weems v. United States, 217 U.S. 349, 367 (1910); Trop v. Dulles, 356 U.S. 86, 101 (1957).
47. *Weems*, 217 U.S. at 367; *Trop*, 356 U.S. at 100–01.
48. Harmelin v. Michigan, 501 U.S. 957, 1000 (1991); *see* Atkins v. Virginia, 536 U.S. 304, 341 (2002).

individuals with diminished capacity.[49] Although *Atkins* focused on intellectual disabilities, its reasoning laid the groundwork for extending diminished culpability for juvenile offenders.[50] The Court recognized that the inherent deficiencies associated with intellectual disabilities—such as limitations in understanding and processing information, communicating, engaging in abstract thinking, and controlling impulses—significantly "diminish [the offender's] personal culpability."[51] Thus, if the justification for the death penalty has historically hinged on the principles of retribution and deterrence, then applying the death penalty to individuals with diminished cognitive function is fundamentally unjustified.[52] This conclusion challenged traditional interpretations of the Eighth Amendment, encouraging a broader reconsideration of what constitutes excessive punishment under evolving standards of decency.

In 2005, *Roper v. Simmons* extended the reasoning of *Atkins* to juveniles, ruling that the death penalty for individuals who committed crimes before the age of eighteen is unconstitutional and categorically prohibited under all circumstances.[53] The Court identified three key ways in which juveniles are distinct from adults: (1) they exhibit a lack of maturity and incomplete development of responsibility, (2) they are more vulnerable to negative influences and external pressures such as peer influence, and (3) their character is not as "well formed" as adults because their personality traits are "more transitory [and] less fixed."[54] Juveniles are in the midst of defining their identity, making it less justifiable to assume that even a heinous crime committed by a juvenile indicates an "irretrievably depraved character."[55] The Court also emphasized that skilled psychologists, armed with clinical tests and observations, struggle to distinguish between juvenile offenders whose crimes reflected "transient immaturity" and those whose conduct suggested "irreparable corruption."[56] This difficulty is the reason why psychiatrists, in their professional diagnoses, generally refuse to brand juveniles as psychopathic or sociopathic.[57] Thus, it follows that asking jurors to determine whether a juvenile should live or die is not only unreasonable,

49. *Atkins*, 536 U.S. 304.
50. *Id.*
51. *Id.* at 318.
52. *Id.* at 319; *see supra* Section I.A.1.
53. Roper v. Simmons, 543 U.S. 551, 568 (2005); Atkins v. Virginia, 536 U.S. 304 (2002).
54. *Roper*, 543 U.S. at 569–70; *see* Jeffrey Arnett, *Reckless Behavior in Adolescence: A Developmental Perspective*, 12 DEV. REV. 339, 339 (1992); Steinberg & Scott, *supra* note 21, at 1014. *See generally* ERIK H. ERIKSON, IDENTITY: YOUTH AND CRISIS (1968) (seminal work introducing the concept of the "identity crisis" and exploring adolescent identity formation).
55. *Roper*, 543 U.S. at 570.
56. *Id.* at 573.
57. *Id.*

but also deeply troubling.[58] Following *Roper*, life without parole became the most severe sentence a juvenile offender could receive.[59]

In 2010, *Graham v. Florida* expanded the *Roper* principles by categorically banning life-without-parole sentences for all juveniles convicted of non-homicide offenses.[60] States must provide these juveniles with a "meaningful opportunity" to obtain parole—one that is contingent upon their "demonstrated maturity and rehabilitation" rather than an automatic grant or a merely theoretical possibility.[61] It must be a system that genuinely evaluates a juvenile's growth and rehabilitation, not one that technically exists on paper but offers no real chance of release.[62] Without this opportunity, the Court warned, they will "die in prison . . . even if [they] spend the next half century attempting to atone for [their] crimes and learn from [their] mistakes."[63] Essentially, a life-without-parole sentence for a juvenile mirrors the death penalty for an adult: though the state does not execute the juvenile offender, it permanently alters the offender's life by stripping them of the "most basic liberties without giving hope of restoration."[64] This decision underlines the belief that juveniles are inherently less culpable than adults and possess a greater capacity for change, rendering life without parole a disproportionately severe punishment for non-homicide offenses.[65]

Two years later, in 2012, *Miller v. Alabama* built on *Graham* by categorically banning life-without-parole sentences for all juveniles, even in homicide cases, except in one circumstance.[66] Automatic sentencing, the Court reasoned, failed to account for juveniles' "heightened capacity" for change.[67] Judges must instead provide individualized sentencing, often referred to as "*Miller* hearings," that weigh mitigating factors such as age, family background, the circumstances of the crime, and the potential for

58. *Id.*

59. *Overview of US Supreme Court Decisions*, *supra* note 9.

60. Graham v. Florida, 560 U.S. 48 (2010); *Roper*, 543 U.S. 551.

61. *Graham*, 560 U.S. at 75. A "meaningful opportunity" for parole means that juveniles must have a realistic chance to obtain release based on maturity and rehabilitation, rather than simply being eligible in name only. *Id.* Parole cannot be an automatic grant based solely on the passage of time or the completion of a sentence threshold; instead, states must establish a parole system that evaluates demonstrated reform and cannot create a system that technically allows parole but makes release so rare that it is meaningless in practice. *Id.*; *see* Sarah French Russell, *Review for Release: Juvenile Offenders, State Parole Practices, and the Eighth Amendment*, 89 IND. L.J. 373, 377 (2014) ("[S]tates need to move beyond simply considering when to make juvenile offenders eligible for release. They must also consider how to provide meaningful hearings and a realistic chance of release for rehabilitated offenders.").

62. *Graham*, 560 U.S. at 75. The Court left implementation to the states. *Id.* ("It is for the State, in the first instance, to explore the means and mechanisms for compliance.").

63. *Id.* at 79.

64. *Id.* at 69–70.

65. *Id.* at 77.

66. Miller v. Alabama, 567 U.S. 460 (2012); *Graham*, 560 U.S. 48.

67. *Miller*, 567 U.S. at 479.

future development.[68] Only in the exceptionally rare case in which a juvenile is deemed incapable of rehabilitation may a life-without-parole sentence be imposed.[69] This ruling emphasized the need for personalized sentencing processes that reflect the distinct status of juveniles, ensuring that all factors contributing to the crime are adequately considered. In the wake of *Miller*, twenty-eight states and Washington, D.C. were forced to overturn their laws on mandatory life without parole for juveniles, dramatically reshaping juvenile justice nationwide.[70]

Finally, in 2016, *Montgomery v. Louisiana* clarified that *Miller* applies retroactively, extending its protections to convictions that were finalized before *Miller* was decided.[71] Prior to *Montgomery*, most states, including Massachusetts, had already treated *Miller* as retroactive, but four states, including Louisiana, refused to do so.[72] The Court reasoned that when *Miller* barred life-without-parole sentences for "all but the rarest of juveniles"—those whose crimes do *not* reflect transient immaturity—it effectively recognized them as a distinct constitutional "class" of offenders, and in doing so, created a new substantive protection.[73] Because that class of juveniles faced a significant risk of unconstitutional punishment under pre-*Miller* laws, the Court held that *Miller* must apply retroactively.[74] *Montgomery* ensured that the 2,800 individuals nationwide, who were serving life sentences for homicide crimes committed as juveniles, could be considered for parole, acknowledging that their original sentences failed to account for their capacity for change and rehabilitation.[75]

From *Atkins* to *Montgomery*, the Supreme Court's juvenile sentencing decisions reshaped Eighth Amendment doctrine by recognizing that the harshest penalties may not be imposed without careful consideration of a young offender's unique capacity for change and rehabilitation.[76]

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68. *Id.* at 462.

69. *Id.* at 479–80.

70. Anne Teigen, Brief, *Juvenile Life Without Parole*, NCSL (Feb. 28, 2024), https://www.ncsl.org/civil-and-criminal-justice/juvenile-life-without-parole [https://web.archive.org/web/20250821093733/https://www.ncsl.org/civil-and-criminal-justice/juvenile-life-without-parole].

71. Montgomery v. Louisiana, 577 U.S. 190 (2016); *Miller*, 567 U.S. at 462.

72. *U.S. Supreme Court to Address Question of Miller Retroactivity*, JUV. L. CTR. (Mar. 23, 2015), https://jlc.org/news/us-supreme-court-address-question-miller-retroactivity [https://web.archive.org/web/20230508101141/https://jlc.org/news/us-supreme-court-address-question-miller-retroactivity] ("[F]our states (Louisiana, Michigan, Minnesota, and Pennsylvania) have refused to apply *Miller* to older cases where the conviction was final before the Supreme Court's 2012 decision.").

73. *Montgomery*, 577 U.S. at 208–09 (citing Penry v. Lynaugh, 492 U.S. 302, 330 (1989)).

74. *Id.* (quoting Schriro v. Summerlin, 542 U.S. 348, 352 (2004)).

75. MONTGOMERY V. LOUISIANA SIX YEARS LATER: PROGRESS AND OUTLIERS, THE CAMPAIGN FOR THE FAIR SENT'G OF YOUTH (2022), https://cfsy.org/wp-content/uploads/Montgomery-v.-Louisiana-Six-Years-Later-Progress-and-Outliers.pdf [https://perma.cc/4CL6-FNGR]; *see Montgomery*, 577 U.S. at 212.

76. Atkins v. Virginia, 536 U.S. 304, 341 (2002); *Miller*, 567 U.S. at 462, 479–80.

Specifically, the Court prohibited mandatory life without parole for juveniles across all crimes, while still allowing judges at the sentencing phase the discretion to impose such sentences when deemed appropriate, only after carefully considering mitigating factors such as the juvenile's age, maturity, and background at their *Miller* hearings.[77] These landmark decisions demonstrated a shift from retribution to a more rehabilitative approach, recognizing the developmental differences between juveniles and fully matured adults.

B. THE EMERGENCE OF THE "EMERGING ADULT"

As the legal system evolved to distinguish juveniles from adults, developmental psychology and criminal justice discourse advanced as well. The concept of "emerging adults" has gained increasing recognition in both fields, describing individuals in a transitional period between adolescence and fully developed adulthood.[78] Defined as ages of eighteen through twenty-five,[79] this period is characterized by ongoing brain maturation, identity exploration, and fluctuating levels of psychosocial maturity.[80] As emerging adults transition into legal adulthood at eighteen and move through their early twenties, they assume increasing social and legal responsibilities yet continue to display developmental traits distinct from both juveniles and older adults.[81]

This developmental tension reflects a broader distinction between cognitive capacity and psychosocial maturity. While cognitive abilities such as logical reasoning and working memory reach adult levels around age sixteen, psychosocial maturity—including impulse control, risk assessment, and susceptibility to peer influence—develops more gradually.[82] This discrepancy reflects the timing of brain development: the prefrontal cortex, which governs impulse control, decision-making, and emotional regulation,

77. *See Miller*, 567 U.S. at 462, 479–80.

78. PERKER & CHESTER, *supra* note 5, at 1.

79. *Id.* ("While there is no universal definition of 'emerging adults,' in the context of criminal justice we define it as individuals transitioning from childhood to adulthood, from the age of 18 to 25."). For the purposes of this Note, "emerging adults" refers to individuals from age eighteen through twenty-five, unless otherwise specified, such as in the Massachusetts Supreme Judicial Court's discussion of Commonwealth v. Mattis, 224 N.E.3d 410 (Mass. 2024). *See* discussion *infra* Section II.B.

80. PERKER & CHESTER, *supra* note 5, at 1.

81. *Id.* at 1–2.

82. Grace Icenogle, Laurence Steinberg, Natasha Duell, Jason Chein, Lei Chang, Nandita Chaudhary, Laura Di Giunta, Kenneth A. Dodge, Kostas A. Fanti, Jennifer E. Lansford, Paul Oburu, Concetta Pastorelli, Ann T. Skinner, Emma Sorbring, Sombat Tapanya, Liliana M. Uribe Tirado, Liane P. Alampay, Suha M. Al-Hassan, Hanan M. S. Takash & Dario Bacchini, *Adolescents' Cognitive Capacity Reaches Adult Levels Prior to Their Psychosocial Maturity: Evidence for a "Maturity Gap" in a Multinational, Cross-Sectional Sample*, 43 LAW & HUM. BEHAV. 69, 71, 78 fig. 1 (2019); PERKER & CHESTER, *supra* note 5, at 3.

continues maturing well into the mid-twenties.[83] By contrast, subcortical regions, which are responsible for reward processing and emotional learning, develop earlier.[84] The imbalance between these systems—in which reward sensitivity peaks before full impulse control is established—heightens the propensity for risk-taking behaviors, particularly in emotionally charged situations.[85] As a result, emerging adults exhibit greater impulsivity and emotional reactivity than older adults, with direct implications for culpability and sentencing.

Despite this prolonged development, the law sets eighteen as the threshold for full adult criminal responsibility, treating newly eighteen-year-olds the same as fully mature adults and subjecting them to identical penalties, including life without parole—a practice that disregards scientific evidence of incomplete brain development.[86]

The effects of this developmental gap are evident in real-world behavior. Criminologists have long recognized a predictable pattern in criminal activity known as the "age-crime curve."[87] The age-crime curve illustrates that criminal activity typically peaks in late adolescence and early adulthood before declining in the mid-to-late twenties.[88] Although some adults involved in crime often begin offending in their youth, most juvenile offenders desist from crime as they mature into adulthood.[89] This is true even for those involved in severe criminal activities, indicating that desistance is

83. PERKER & CHESTER, *supra* note 5, at 1, 3 ("Recent research in neurobiology and psychology suggests that cognitive skills and emotional intelligence continue to develop into a person's mid-20s, and even beyond."); *see also* Icenogle et al., *supra*, note 82, at 78 fig. 1; Brief of Amici Curiae Neuroscientists et al., *supra* note 4, at 15–16.

84. Brief of Amici Curiae Neuroscientists et al., *supra* note 4, at 17 ("Subcortical regions including the ventral striatum and amygdala, which are important in reward and emotional learning and processing, show earlier structural and functional development than cortical regions [including the prefrontal cortex].").

85. *Id.* at 15–17.

86. NELLIS & MONAZZAM, *supra* note 1, at 8. The legal system imposes a bright-line distinction at eighteen, treating individuals as fully culpable adults for criminal sentencing purposes. After this cutoff, protections afforded to juveniles under cases like Roper v. Simmons, 543 U.S. 551 (2005) (prohibiting the death penalty for juveniles), Graham v. Florida, 560 U.S. 48 (2010) (barring life without parole for juveniles in non-homicide cases), and Miller v. Alabama, 567 U.S. 460 (2012) (requiring individualized sentencing for juveniles facing life without parole) no longer apply. Eighteen also marks the legal boundary for civic and contractual autonomy, including the right to vote, enlist in the military, and enter legally binding agreements. *See* 10 U.S.C. § 505(a) (setting minimum enlistment age at eighteen); U.S. CONST. amend. XXVI (establishing eighteen as the minimum voting age); RESTATEMENT (SECOND) OF CONTRACTS § 14 (A.L.I. 1981) (stating that contracts signed by minors are generally voidable).

87. Lila Kazemian, *Pathways to Desistance from Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, *in* DESISTANCE FROM CRIME: IMPLICATIONS FOR RSCH., POL'Y, AND PRAC., NAT'L INST. OF JUST. 163, 163 (2021), https://www.ojp.gov/pdffiles1/nij/301497.pdf [https://perma.cc/HP5C-KH2K].

88. Michael Rocque, Chad Posick & Justin Hoyle, *Age and Crime*, *in* THE ENCYCLOPEDIA OF CRIME AND PUNISHMENT (1st ed. 2015); Brief of Amici Curiae Neuroscientists et al., *supra* note 4, at 27.

89. Kazemian, *supra* note 87, at 163.

often part of the natural progression from adolescence to adulthood.[90]

The age-crime curve highlights a paradox: individuals are most prone to criminal activity during late adolescence and early adulthood, yet are also highly likely to stop such behavior as they age.[91] Consequently, harsh punitive measures directed at young offenders may interfere with this natural decline in criminal activity rather than enhance public safety.[92] Emerging adults are disproportionately represented in the criminal justice system, yet research shows they have a greater capacity for rehabilitation than older offenders.[93] One reason is that emerging adults in the justice system often experience higher rates of violent crime and endure more emotional and physical trauma "than any other population"; the harsh conditions of adult jails and prisons then compound their trauma, increasing their susceptibility to negative influences.[94] As a result, incarceration can actually heighten the risk of recidivism rather than reduce it.[95]

Recognizing these developmental differences, some jurisdictions have begun to reconsider traditional sentencing frameworks to account for the greater rehabilitative potential of emerging adults.[96] This evolving understanding of brain development and behavioral science has led courts—most notably the Massachusetts Supreme Judicial Court in *Commonwealth v. Mattis*—to reconsider how sentencing practices align with proportionality and culpability under the Eighth Amendment.[97] The next Part examines that phenomenon in detail.

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90. *Id.* at 163–64.

91. *Id.*; PERKER & CHESTER, *supra* note 5, at 3.

92. PERKER & CHESTER, *supra* note 5, at 2 ("Emerging adults are not only more likely to be incarcerated, but also more likely to recidivate when they leave a correctional facility."); INSEL ET AL., *supra* note 4, at 43 ("[R]esearch indicates that continuing traditional supervision and sentencing practices inadvertently tend to increase recidivism [and] fail to foster diversion from unwarranted penetration into the criminal justice system.").

93. PERKER & CHESTER, *supra* note 5, at 3.

94. *Id.* at 2, 2 n.15 ("Emerging adults aged 18–20 experience violent victimization at more than twice the rate of the general population, and those with a history of foster care are 10 times more likely to report being arrested when they were 18 or 19."); *see also* INSEL ET AL., *supra* note 4, at 34 ("Incarceration challenges for [emerging adults] include increased exposure to potentially traumatizing adversities including rape and physical assault.").

95. PERKER & CHESTER, *supra* note 5, at 2.

96. *Id.* at 4 (discussing jurisdictions reconsidering sentencing frameworks for emerging adults).

97. NELLIS & MONAZZAM, *supra* note 1, at 10–11; Commonwealth v. Mattis, 224 N.E.3d 410 (Mass. 2024).

II. COMMONWEALTH V. MATTIS

A. THE CRIME, THE VERDICT, AND THE APPEAL

In 2011, in Boston's Dorchester neighborhood, fourteen-year-old Kimoni Elliot waited outside a convenience store hoping someone older would buy rolling papers for him.[98] Eighteen-year-old Sheldon Mattis, who was in the area, agreed to buy them.[99] Mattis handed the rolling papers to Elliot, who mentioned he was from "Everton," a street in the neighborhood.[100] The two then parted ways.[101] Moments later, Elliot joined his friend Javion Blake in a nearby parking lot, and the pair began walking toward Blake's home.[102] While on their walk, a bicyclist rode up from behind, pulled out a gun, and fired six gunshots at them, killing Blake and injuring Elliot.[103] The local police reported the shooter as seventeen-year-old Nyasani Watt and suspected that Mattis was involved in planning the attack.[104]

A Suffolk County grand jury indicted Watt and Mattis on five charges: first-degree murder (on the theories of deliberate premeditation and extreme atrocity or cruelty), aggravated assault and battery by means of a dangerous weapon, armed assault with intent to murder, possession of a firearm without a license, and carrying a loaded firearm.[105] They were jointly tried as co-defendants.[106] At trial, the Commonwealth argued that Watt and Mattis actively collaborated to plan and execute the shooting as part of an escalating street gang rivalry.[107] The Commonwealth's theory was that after Elliot and Mattis parted ways, Mattis met up with Watt, handed Watt a gun, and told him to kill the two boys.[108] In defense, Watt argued he had been misidentified as the shooter, while Mattis argued that the key witness implicating him was

98. Commonwealth v. Watt, 146 N.E.3d 414, 419 (Mass. 2020).
99. *Id.*
100. *Id.*
101. *Id.*
102. *Id.*
103. *Id.*
104. *Id.*
105. *Id.* at 419, 419 n.2. Although Mattis was not the alleged shooter, he was prosecuted under the theory of joint venture, thus facing the same charges as Watt. Commonwealth v. Robinson, Nos. 0084CR10975, 1184CR11291, 2022 Mass. Super. LEXIS 1337, at *7 (July 20, 2022). In Massachusetts, joint venture liability applies when multiple defendants are involved and it is unclear who committed the crime. The Commonwealth must prove only that the defendant knowingly participated and intended to commit the crime, such as by encouraging another to do so. MASSACHUSETTS SUPREME JUDICIAL COURT, MODEL JURY INSTRUCTIONS ON HOMICIDE 13–14 (2018); *see also* Commonwealth v. Deane, 934 N.E.2d 794, 800–01 (Mass. 2010) ("[T]he Commonwealth is not required to prove exactly how a joint venturer participated in the murders or which of the two did the actual killing." (citations omitted)).
106. *Watt*, 146 N.E.3d at 419.
107. *Id.* at 420.
108. *Id.*; *Robinson*, 2022 Mass. Super. LEXIS 1337, at *7.

unreliable.[109] On November 22, 2013, after deliberating for two days, the jury convicted Watt and Mattis on all five charges.[110] Under Massachusetts law at the time, a first-degree murder conviction mandated an automatic life-without-parole sentence for all individuals who were eighteen or older at the time of the crime.[111]

On December 2, 2013, Watt and Mattis were sentenced.[112] Watt, who was just ten days shy of his eighteenth birthday at the time of the crime, benefited from the 2012 U.S. Supreme Court decision in *Miller v. Alabama*, which allowed him the possibility of parole after fifteen years in prison.[113] In contrast, Mattis, who was eighteen when the crime occurred, was not afforded the same leniency; Mattis was sentenced to life in prison without the possibility of parole, leaving him no possibility of release.[114] Mattis's mother expressed that the verdict meant Blake's loved ones were no longer the only family experiencing a profound loss: "We're losing a son, too," she said.[115] Her words reflected the deep pain felt by both families—one grieving a life lost to violence, and the other grappling with a sentence that would take their son away indefinitely.

On December 24, 2013, just twenty-two days after Watt and Mattis's sentencing, the Massachusetts Supreme Judicial Court decided *Diatchenko v. District Attorney for the Suffolk District*, advancing the precedent set by *Miller*.[116] *Diatchenko* held that sentencing a juvenile to life without parole "in any circumstance," including for first-degree murder, is a cruel or unusual punishment in violation of Article 26 of the Massachusetts Declaration of Rights.[117] Thus, unlike *Miller*, *Diatchenko* categorically barred life without parole for juveniles.

The 2013 decision traced back to events decades earlier. In 1982, Gregory Diatchenko had been convicted of first-degree murder, a crime he committed when he was seventeen years old, and was sentenced to

109. *Watt*, 146 N.E.3d at 420.

110. According to the Suffolk County Superior Court docket, jury deliberations began on November 20, 2013, at 1:30 p.m., and the verdicts were returned on November 22, 2013, at 1:00 p.m. Commonwealth v. Mattis, No. 1184CR1129l (Sup. Ct. Suffolk Cnty. Dec. 21, 2011), Dkt.

111. *See* MASS. GEN. LAWS ANN. ch. 265, § 2 (West 2013), *invalidated by*, Commonwealth v. Mattis, 224 N.E.3d 410 (Mass. 2024).

112. *Watt*, 146 N.E.3d at 419.

113. *Id.* at 419–20; *see* Miller v. Alabama, 567 U.S. 460, 462 (2012) (requiring individualized sentencing for juveniles facing life without parole).

114. *Watt*, 146 N.E.3d at 420.

115. Maria Cramer & John R. Ellement, *Two Convicted of Murder in Fatal 2011 Dorchester Shooting*, BOS. GLOBE (Nov. 22, 2013, at 16:07 ET), https://www.bostonglobe.com/metro/2013/11/22/two-convicted-murder-dorchester-shooting-that-killed-innocent-year-old/vcvldmkVPMNlVPI5M3GnmK/story.html [https://perma.cc/5FZ6-4SZG].

116. Diatchenko v. Dist. Att'y for the Suffolk Dist., 1 N.E.3d 270 (Mass. 2013).

117. Commonwealth v. Mattis, 224 N.E.3d 410, 415 (Mass. 2024) (emphasis added); *Diatchenko*, 1 N.E.3d at 284–85.

mandatory life without parole under Massachusetts General Laws Chapter 265, section 2 ("section 2").[118] He initially challenged his sentence under the Eighth Amendment and Article 26 of the Massachusetts Declaration of Rights, but the Supreme Judicial Court rejected his claim, thus finalizing his conviction.[119] Decades later, after the U.S. Supreme Court's decision in *Miller v. Alabama* recognized limits on juvenile life without parole, Diatchenko brought a new challenge to the constitutionality of section 2, arguing that its application to juveniles violated Article 26's categorical ban on juvenile life-without-parole sentences.[120] Given the case's constitutional importance and its broad implications for the justice system, including its potential impact on sentences for numerous defendants across various timelines, the Supreme Judicial Court granted review.[121]

To determine whether section 2 violated Article 26, the Supreme Judicial Court first had to decide whether *Miller* should be applied retroactively, and specifically, whether it applied to finalized convictions.[122] Concluding that *Miller* did apply, the court found that section 2, by its "clear and plain terms," mandated life-without-parole sentences for juveniles convicted of first-degree murder.[123] Thus, section 2 violated both the Eighth Amendment's prohibition on cruel and unusual punishment and the counterpart provision in Article 26.[124] The court emphasized that it frequently provided criminal defendants greater protections under the Massachusetts Declaration of Rights than those afforded under the U.S. Constitution, a right well within its authority and that of every state.[125] Echoing the Eighth Amendment principles discussed in *Miller*, the Supreme Judicial Court recognized that fixed-term sentences may be "cruel or unusual" if they are so disproportionate to the offense that it "shocks the conscience and offends fundamental notions of human dignity."[126] The court

118. *Diatchenko*, 1 N.E.3d at 274; *see* MASS. GEN. LAWS ANN. ch. 265, § 2 (West 2013) ("Any . . . person who is guilty of murder in the first degree shall be punished by imprisonment in the state prison for life . . . . No person shall be eligible for parole under section one hundred and thirty-three A of chapter one hundred and twenty-seven while he is serving a life sentence for murder in the first degree . . . .").

119. *Diatchenko*, 1 N.E.3d at 274–75.

120. *Id.* at 283.

121. *Id.* at 275, 275 n.5.

122. *Id.* at 278. At the time of the *Diatchenko* decision, Montgomery v. Louisiana, 577 U.S. 190 (2016), had not yet been decided. *See* discussion *supra* Section I.A.2.

123. *Diatchenko*, 1 N.E.3d at 282.

124. *Id.* at 283.

125. *Id.* at 282–83; *see, e.g.*, Dist. Att'y for the Suffolk Dist. v. Watson, 411 N.E.2d 1274 (Mass. 1980) (the death penalty violates prohibition against cruel or unusual punishment in Article 26 despite constitutionality under Eighth Amendment); *see also, e.g.*, Commonwealth v. Mavredakis, 725 N.E.2d 169 (Mass. 2000) (holding that a defendant's right under Article 12 of Massachusetts Declaration of Rights to be informed of an attorney's efforts to render assistance is broader than a defendant's rights under the Fifth and Sixth Amendments to the U.S. Constitution).

126. *Diatchenko*, 1 N.E.3d at 283 (citing Cepulonis v. Commonwealth, 427 N.E.2d 17, 20 (Mass.

reasoned that a mandatory life sentence for a juvenile, as in Diatchenko's case, was disproportionate—not because of the crime of first-degree murder itself but because of Diatchenko's status as a juvenile at the time of the crime.[127] Because a juvenile's brain is not fully developed "structurally or functionally" by age eighteen, a judge cannot confidently declare any young offender "irretrievably depraved."[128] As *Graham* recognized, limitations in our understanding of juvenile development make it impossible to determine with certainty whether life without parole is ever justified for a juvenile.[129] *Diatchenko*, applying the principles and rationales of the *Miller* trilogy, established a foundational precedent for subsequent juvenile sentencing cases in Massachusetts.[130]

Over the six years following *Diatchenko*, the court consistently declined to extend its reasoning to individuals over eighteen.[131] Yet during that same period, it repeatedly acknowledged that research had evolved since *Diatchenko*, including research indicating that individuals may not reach full maturity until at least age twenty-two.[132] The issue returned squarely in 2019, when Watt and Mattis appealed their convictions to the Massachusetts Supreme Judicial Court. They challenged the constitutionality of their sentences under the Eighth Amendment and Article 26, arguing that such sentences were cruel and unusual given their age at the time of the crime.[133] The court affirmed Watt's sentence (life *with* possibility of parole after fifteen years), finding it consistent with *Diatchenko*'s sentencing practices for juveniles convicted of first-degree murder.[134] Mattis's appeal, however, presented a different question. He argued that life without parole was unconstitutional for individuals under twenty-two,[135] citing research showing that developmental traits common among juveniles persist into age twenty-two.[136] On that basis, Mattis urged the court to extend *Diatchenko* to

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1981)).

127. *Id.*

128. *Id.* at 283–84 (citing Graham v. Florida, 560 U.S. 48, 68 (2010)); *see also* Laurence Steinberg, *Should the Science of Adolescent Brain Development Inform Public Policy?*, 28 ISSUES IN SCI. & TECH. 67, 68 (2012).

129. *Diatchenko*, 1 N.E.3d at 283–84 (citing Roper v. Simmons, 543 U.S. 551, 570 (2005)).

130. "The *Miller* trilogy" refers to *Graham v. Florida*, 560 U.S. 48 (2010), *Miller v. Alabama*, 567 U.S. 460 (2012), and *Montgomery v. Louisiana*, 577 U.S. 190 (2016).

131. *See, e.g.*, Commonwealth v. Garcia, 123 N.E.3d 766, 771 (Mass. 2019) (refusing to extend the reasoning of *Diatchenko* to a nineteen-year-old defendant-appellant); Commonwealth v. Colton, 73 N.E.3d 783, 798 (Mass. 2017) (refusing to extend the reasoning of *Diatchenko* to a twenty-one-year-old defendant-appellant); Commonwealth v. Chukwuezi, 59 N.E.3d 380, 393 (Mass. 2016) (refusing to extend the reasoning of *Diatchenko* to an eighteen-year-old defendant-appellant).

132. *Watt*, 146 N.E.3d at 428; *see Garcia*, 123 N.E.3d at 770–71.

133. U.S. CONST. amend. VIII; MASS. CONST. art XXVI; *Watt*, 146 N.E.3d at 426.

134. *Watt*, 146 N.E.3d at 426–27; *see also Diatchenko*, 1 N.E.3d at 283–84.

135. *Watt*, 146 N.E.3d at 427.

136. The court's opinion did not include the research Mattis cited.

cover offenders aged eighteen to twenty-two, making them eligible for parole after fifteen years.[137]

In light of its own repeated acknowledgments about evolving scientific research, the court agreed to revisit the issue contingent upon a more developed record.[138] The record before the court lacked the latest science on whether Article 26 allowed mandatory life without parole for offenders aged eighteen to twenty-two convicted of first-degree murder.[139] Accordingly, the court remanded the case to the trial court for further fact-finding, consolidating it with *Commonwealth v. Robinson*,[140] another first-degree murder case that raised the same question on an insufficient record.[141] On remand, the two cases were consolidated,[142] and in 2022 superior court Judge Ullmann issued factual findings concluding that mandatory life-without-parole sentences for individuals who were eighteen, nineteen, or twenty at the time of the crime violated Article 26.[143] The expanded record was transmitted back to the Supreme Judicial Court for review in *Mattis*.[144]

B. THE JANUARY 2024 DECISION

Commonwealth v. Mattis held that life without parole for individuals aged eighteen, nineteen, and twenty—whom the court defined as "emerging adults"—is unconstitutional under Article 26 of the Massachusetts Declaration of Rights.[145] The Supreme Judicial Court grounded its decision in three rationales: (1) neuroscientific and psychological research on brain development, (2) evolving standards of decency under the Eighth Amendment, and (3) comparative analysis of sentencing practices in other jurisdictions nationwide and abroad.[146] Each rationale reflects broader trends in sentencing doctrine and underscores why emerging adults warrant different treatment from fully mature adults.

137. *Watt*, 146 N.E.3d at 427.
138. *Id.* at 428.
139. *Id.*
140. Commonwealth v. Robinson, No. 0084CR10975, 2017 Mass. Super. LEXIS 1 (Jan. 6, 2017).
141. *Watt*, 146 N.E.3d at 428; *see also* Commonwealth v. Mattis, 224 N.E.3d 410, 417–18, 417 n.10 (Mass. 2024).
142. Commonwealth v. Robinson, Nos. 0084CR10975, 1184CR11291, 2022 Mass. Super. LEXIS 1337 (July 20, 2022).
143. *Mattis*, 224 N.E.3d at 417–18, 417 n.10.
144. *Id.* at 418.
145. *Id.* at 415; MASS. CONST. art XXVI. The Supreme Judicial Court specifically limited the category of emerging adults to this three-year range but did not explain why, despite the scientific consensus that brain maturation continues beyond twenty. *Mattis*, 224 N.E.3d at 415 n.1.
146. *Mattis*, 224 N.E.3d at 415, 426, 431.

1. The Neuroscience Basis for Treating Emerging Adults Differently

Using the evidentiary record from *Commonwealth v. Robinson*, the court reviewed Judge Ullmann's "four core factual findings" showing that the brains of emerging adults resemble those of juveniles in four key ways: (1) impulse control, (2) risk taking, (3) peer influence, and (4) capacity for change.[147] Each finding was supported by expert testimony from leading researchers in adolescent development: neuroscientist Adriana Galván, developmental psychologist Laurence Steinberg, and forensic psychologists Robert Kinscherff and Stephen Morse.[148] Morse served as an expert for the Commonwealth, and Galván, Kinscherff, and Steinberg served as experts for Mattis.[149]

Judge Ullmann first addressed impulse control, finding that emerging adults resemble sixteen- and seventeen-year-olds more than older adults in their inability to regulate impulses, particularly in emotionally intense situations.[150] This reflects the combined effect of puberty-related hormonal surges and the still-maturing prefrontal cortex, which is the brain region critical to impulse regulation and planning ahead.[151] Furthermore, the connections between the prefrontal cortex and brain regions involved in decision-making and reward processing also remain undeveloped.[152] All four experts—testifying for both Mattis and the Commonwealth—affirmed that emerging adults are more impulsive, more focused on immediate situations, and less able to anticipate long-term consequences than older adults.[153]

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147. *Id.* at 421; *see Robinson*, 2022 Mass. Super. LEXIS 1337, at *28–29; *see also* sources cited *infra* notes 153, 158, 167.

148. *Mattis*, 224 N.E.3d at 416–17. Steinberg's research was cited in Roper v. Simmons, 543 U.S. 551, 569–73 (2004), and Miller v. Alabama, 567 U.S. 460, 471 (2012). *Mattis*, 224 N.E.3d at 417 n.9. For Steinberg's underlying research, see *supra* notes 21, 54 and accompanying text.

149. *Mattis*, 224 N.E.3d at 417 n.8. Although Steinberg did not testify in this case, the transcript of his testimony as the defendant's expert in Commonwealth v. Robinson, 224 N.E.3d 391 (Mass. 2024), was included. *Mattis*, 224 N.E.3d at 417, 417 n.9.

150. *Mattis*, 224 N.E.3d at 421.

151. *Id.*

152. *Id.*

153. *Id.*; *see* Icenogle et al., *supra* note 82, at 69 (arguing for multiple legal age boundaries to distinguish adolescence from adulthood); Elizabeth R. Sowell, Paul M. Thompson, Colin J. Holmes, Terry L. Jernigan & Arthur W. Toga, In Vivo *Evidence for Post-Adolescent Brain Maturation in Frontal and Striatal Regions*, 2 NAT. NEUROSCI. 859, 860–61 (1999) (mapping brain maturation between adolescents and young adults); Laurence Steinberg, Grace Icenogle, Elizabeth P. Shulman, Kaitlyn Breiner, Jason Chein, Dario Bacchini, Lei Chang, Nandita Chaudhary, Laura Di Giunta, Kenneth A. Dodge, Kostas A. Fanti, Jennifer E. Lansford, Patrick S. Malone, Paul Oburu, Concetta Pastorelli, Ann T. Skinner, Emma Sorbring, Sombat Tapanya, Liliana Maria Uribe Tirado, Liane Peña Alampay, Suha M. Al-Hassan & Hanan M. S. Takash, *Around the World, Adolescence Is a Time of Heightened Sensation Seeking and Immature Self-Regulation*, DEV. SCI., March 2018, at 1, 10–12 [hereinafter Steinberg et al., *Around the World*] (concluding that "sensation seeking peaks during adolescence and that self-regulation continues to mature over the same period of development").

Adriana Galván, testifying for Mattis, explained that these behavioral differences between emerging and older adults reflect structural brain development, pointing to MRI data showing "cortical thinning" in the prefrontal cortex extending into the early twenties.[154] Cortical thinning refers to the natural pruning process in which the brain sheds excess neural connections, strengthening those that support more efficient reasoning and self-control.[155] Commonwealth expert Stephen Morse agreed, emphasizing that the prefrontal cortex, vital for impulse control, is "among the last brain regions" to stabilize, often not maturing until up to mid-twenties.[156]

The court then turned to risk-taking behaviors, which Judge Ullmann found to be especially pronounced in emerging adults. He noted that individuals between eighteen and twenty are more prone to sensation-seeking and risk-taking in pursuit of rewards than both younger adolescents and older adults.[157] All experts agreed that this tendency peaks in late adolescence, gradually declines, and typically stabilizes around age twenty-two.[158] Galván explained that fMRI studies—which measure blood flow in the brain to determine where the brain is active—reveal increased activity in the *nucleus accumbens*, a brain region linked to sensation-seeking, among seventeen- to twenty-year-olds compared to older adults.[159] The *ventral striatum*, a region linked to risk-taking, is also more active in this age group.[160] These neurological findings are mirrored in real-world behaviors: emerging adults are overrepresented in reckless driving, unsafe sexual practices, and other risky activities.[161] Criminologists capture this pattern in the well-known "age-crime curve," which shows that criminal behavior spikes in late adolescence and early adulthood before declining sharply,

154. *Mattis*, 224 N.E.3d at 421–22.

155. *Id.*

156. *Id.* at 422.

157. *Id.* "Sensation seeking is a personality trait associated with a propensity to seek out novel, highly stimulating experiences, and the willingness to take risks in pursuit of these experiences." Samuel W. Hawes, Rajpreet Chahal, Michael N. Hallquist, David J. Paulsen, Charles F. Geier & Beatriz Luna, *Modulation of Reward-Related Neural Activation on Sensation Seeking Across Development*, 283 NEUROIMAGE 763, 763 (2017).

158. *Mattis*, 224 N.E.3d at 22; *see* Adriana Galván, Todd A. Hare, Cindy E. Parra, Jackie Penn, Henning Voss, Gary Glover & B. J. Casey, *Earlier Development of the Accumbens Relative to Orbitalfrontal Cortex Might Underlie Risk-Taking Behaviors in Adolescent*s, 26 J. NEUROSCI. 6885, 6891 (2006) (theorizing a biological explanation for risk-taking behaviors in adolescence); Hawes et al., *supra* note 157, at 768–70 (examining the neural mechanisms of sensation-seeking in adolescents and young adults); Marc D. Rudolph, Oscar Miranda-Domínguez, Alexandra O. Cohen, Kaitlyn Breiner, Laurence Steinberg, Richard J. Bonnie, Elizabeth S. Scott, Kim Taylor-Thompson, Jason Chein, Karla C. Fettich, Jennifer A. Richeson, Danielle V. Dellarco, Adriana Galván, B.J. Casey & Damien A. Fair, *At Risk of Being Risky: The Relationship Between "Brain Age" Under Emotional States and Risk Preference*, 24 DEV. COGN. NEUROSCI. 93, 101–04 (2017) (showing that "brain age" looks younger in emotional contexts during adolescence).

159. *Mattis*, 224 N.E.3d at 422.

160. *Id.*

161. *Id.*

reflecting a stage marked by heightened risk-taking, emotional reactivity, and limited capacity to weigh long-term consequences.[162]

In terms of peer influence, Judge Ullmann observed that emerging adults are more susceptible to peer pressure than older adults, and that the mere presence of peers tends to increase their likelihood of engaging in risky behavior.[163] Laurence Steinberg, testifying for Mattis, provided research that specifically addressed how peers influence decision-making and risk-taking across different age groups.[164] He discovered that the presence of peers, even if they were not actively encouraging any behavior, significantly raised the probability that adolescents would participate in risky activities.[165] This is why, for example, many states prohibit newly licensed adolescents from driving with young passengers during their first year.[166] Although susceptibility to peers can influence individuals at any age, it is particularly potent and influential during adolescence and young adulthood.[167] This is supported by studies that explored the combined effects of peer presence, social cues, and rewards on the cognitive control in adolescents, and how peers can amplify adolescents' exploratory behaviors and sensitivity to both positive and negative feedback.[168]

Finally, Judge Ullmann emphasized that emerging adults possess a greater capacity for change compared to older individuals due to the plasticity of their brains during these years.[169] Galván explained that plasticity refers to the brain's ability to rewire itself in response to environmental influences.[170] While the brain is most malleable in infancy, a significant second wave of plasticity occurs during adolescence and continues into early adulthood, making young adults more adaptable than

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162. *See* sources cited in note 158; *Mattis*, 224 N.E.3d at 422–23.

163. *Mattis*, 224 N.E.3d at 423.

164. *Id.* "Laboratory studies show that the mere presence of a peer or positive social cues yield greater OFC and ventral striatum." Kaitlyn Breiner, Anfei Li, Alexandra O. Cohen, Laurence Steinberg, Richard J. Bonnie, Elizabeth S. Scott, Kim Taylor-Thompson, Marc D. Rudolph, Jason Chein, Jennifer A. Richeson, Danielle V. Dellarco, Damien A. Fair, B.J. Casey & Adriana Galván, *Combined Effects of Peer Presence, Social Cues, and Rewards on Cognitive Control in Adolescents*, 60 DEV. PSYCHOBIOL. 292, 293 (2018) (citations omitted).

165. *Mattis*, 224 N.E.3d at 423.

166. *See, e.g.*, Brady-Jared Teen Driver Safety Act of 1997, CAL. VEH. CODE § 12814.6(b)(1)(B) (West 2000).

167. *Mattis*, 224 N.E.3d at 423; Breiner et al., *supra* note 164, at 298–300; Adriana Galván, *Adolescent Brain Development and Contextual Influences: A Decade in Review*, 31 J. RSCH. ADOLESC. 843, 852–53 (2021); Karol Silva, Elizabeth P. Shulman, Jason Chein & Laurence Steinberg, *Peers Increase Late Adolescents' Exploratory Behavior and Sensitivity to Positive and Negative Feedback*, 26 J. RSCH. ADOLESC. 696, 696–705 (2015).

168. *Mattis*, 224 N.E.3d at 423.

169. *Id.*

170. *Id.*

fully matured adults.[171] Steinberg testified that brain maturation is typically not complete until at least age twenty-two and "possibly up to twenty-five."[172] Supporting this, Commonwealth expert Stephen Morse added that this scientific reality is reflected in real-world outcomes: most adolescents, even those who commit serious crimes, eventually desist from offending and do not become lifelong criminals.[173] Together, the testimony reinforced the broader understanding that the hallmark traits of youth—impulsiveness and recklessness—tend to diminish as individuals mature.

2. Evolving Standards of Decency and Comparative Sentencing Trends

Beyond its scientific foundation, *Mattis* also relied on several legal and policy considerations rooted in the evolving standards of decency principle.[174] Courts nationwide have consistently held that punishments must reflect contemporary societal norms, and Massachusetts courts have explicitly drawn on both U.S. Supreme Court precedent and comparative sources to argue that sentencing should mirror modern understandings of culpability and rehabilitation.[175] Notably, the *Mattis* court looked to international practice—including statutes and case decisions from the United Kingdom and Canada—demonstrating Massachusetts's openness to learning from global approaches even where other states have been more insular.[176] This approach is grounded in the state's commitment to learning from both its own experiences and the successes of other nations.

In conducting a comparative legal analysis, the court highlighted a growing national trend away from extreme sentencing practices for young offenders.[177] While Massachusetts became the first state to categorically ban life without parole for emerging adults under twenty-one, several other states, such as Washington, Michigan, California, and Illinois, have significantly narrowed such sentences for young offenders, with Connecticut proposing similar reforms.[178] These domestic shifts mirror international

171. *Id.*
172. *Id.* at 424.
173. *Id.*
174. *See supra* Section I.A.2.
175. *Mattis*, 224 N.E.3d at 424–25; *see also supra* Section I.A.2.
176. *Mattis*, 224 N.E.3d at 424, 427–28; Martha F. Davis, *Massachusetts Looks to International Sources to Inform "Evolving Standards of Decency,"* STATE CT. REP. (Jan. 19, 2024), https://statecourtreport.org/our-work/analysis-opinion/massachusetts-looks-international-sources-inform-evolving-standards [https://perma.cc/V4CG-VJGC].
177. *Mattis*, 224 N.E.3d at 426–27.
178. *Id.* at 426; *In re* Pers. Restraint of Monschke, 482 P.3d 276 (Wash. 2021) (life without parole discretionally banned for individuals under twenty-one years old); People v. Parks, 987 N.W.2d 161 (Mich. 2022) (mandatory life without parole banned for eighteen-year-olds); CAL. PENAL CODE § 3051 (West 2024) (youth offender parole hearings required for individuals who were twenty-five or younger at time of offense); 730 ILL. COMP. STAT. ANN. 5 / 5-4.5-115(b) (West 2025) (parole eligibility after twenty years for most individuals convicted of first-degree murder before age twenty-one and forty years

practice, where many European nations prohibit life without parole for anyone under twenty-five, reflecting a broader global consensus that proportionality and rehabilitation demand different treatment for emerging adults.[179]

Finally, *Mattis* underscored that life without parole conflicts with the principle of individualized sentencing.[180] Because developmental science shows that emerging adults are uniquely capable of growth and change, any sentencing scheme that imposes life without parole without considering their potential growth and change violates core tenets of justice. Mandatory life sentences remove any opportunity for rehabilitation and reintegration, disregarding the potential for profound change in an individual sentenced at eighteen or nineteen. This reasoning situates *Mattis* within the broader movement toward rehabilitative justice, consistent with recent U.S. Supreme Court decisions limiting harsh penalties for juveniles.[181]

III. MORE REHABILITATIVE, LESS PUNITIVE SENTENCES

As discussed in Part II, the *Commonwealth v. Mattis* court recognized that eighteen-, nineteen-, and twenty-year-olds share key cognitive and behavioral traits with juveniles, making them less culpable and more responsive to rehabilitation than fully mature adults. Because those traits persist into the mid-twenties, the same reasoning also applies to individuals through age twenty-five. Mandatory life without parole should therefore be categorically prohibited for individuals aged eighteen through twenty-five to ensure sentencing reflects scientific reality and evolving standards of decency.

A. EXTENDING THE LOGIC OF *MATTIS* TO EMERGING ADULTS THROUGH AGE TWENTY-FIVE

1. Developmental Science and Emerging Adult Sentencing

i. Cognitive and Psychosocial Maturity in Emerging Adults

As detailed in Part II, the developmental traits that led the court to extend protections to individuals aged eighteen, nineteen, and twenty do not suddenly disappear at age twenty-one. Those traits include diminished impulse control, heightened risk-taking driven by reward sensitivity, increased susceptibility to peer influence, and a continued capacity for

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if sentenced to natural life). Both Washington and Michigan still allow life-without-parole sentences after individualized *Miller* hearings. *Mattis*, 224 N.E.3d at 426 n.24; *see also Pers. Restraint of Monschke*, 482 P.3d at 287–88; *Parks*, 987 N.W.2d at 168–69.

179. Davis, *supra* note 176.

180. *Mattis*, 224 N.E.3d at 419–20; *see also supra* text accompanying notes 66–70.

181. *Overview of US Supreme Court Decisions*, *supra* note 9.

change. Expert testimony established that the brain systems governing self-regulation and long-term decision-making continue maturing beyond age twenty-one and "possibly up to age twenty-five."[182] Although certain cognitive skills such as logical reasoning plateau by about age sixteen, psychosocial maturity—including self-control, risk assessment, and resistance to peer pressure—remains ongoing at least into the early twenties.[183] As a result, emerging adults—those aged eighteen to twenty-five—remain more impulsive, more susceptible to peers, and more responsive to immediate rewards than older adults.[184]

Ignoring this evidence denies a vulnerable population the sentencing considerations that justified *Mattis*'s conclusion in the first place. Because maturation likely continues up to twenty-five, a categorical cutoff at twenty-one is not supported by the developmental evidence.[185] Extending *Mattis* through age twenty-five therefore follows directly from the scientific findings the court already accepted.

ii. The Role of Culpability and Just Punishment

But even if brain development continues beyond age twenty, some argue that emerging adults should nonetheless be held fully accountable for their actions.[186] Under a proportionality framework, punishment must turn on the severity of the crime rather than the offender's age. From this perspective, continued development does not justify reduced punishment. The Supreme Court, moreover, has only set categorical sentencing limits when culpability is substantially diminished, such as for juveniles and individuals with intellectual disabilities.[187]

But culpability is not all-or-nothing. The Court has repeatedly acknowledged that youthfulness affects culpability, even within a retributivist framework, because young offenders struggle with impulse control, risk assessment, and susceptibility to peer influence.[188] The *Mattis* court recognized these same traits in eighteen- to twenty-year-olds but failed to justify drawing the line at age twenty, despite evidence that brain maturation continues up to age twenty-five.[189] If the reasoning behind *Miller* and *Graham* rests on the greater capacity of young offenders for change, then that reasoning necessarily extends to individuals under twenty-five.

182. *Mattis*, 224 N.E.3d at 424; *see also supra* notes 150–56, 172 and accompanying text.
183. *See supra* notes 150–56 and accompanying text.
184. *See supra* notes 150–73 and accompanying text.
185. *Mattis*, 224 N.E.3d at 424.
186. *See* PERKER & CHESTER, *supra* note 5, at 3.
187. *See* discussion *supra* Section I.A.2.
188. *See supra* Section II.B.1.
189. *See supra* notes 169–73 and accompanying text.

Beyond culpability, sentencing must also account for the potential for rehabilitation. Neuroscience confirms that the brain remains flexible until at least age twenty-five, underscoring that young offenders are uniquely capable of change.[190] Life without parole forecloses this possibility and contradicts the rationale of the *Miller* trilogy, which emphasized that even those convicted of serious crimes must be given a chance to demonstrate growth.[191]

A sentencing framework that balances these two principles—accountability and reform—aligns with both scientific evidence and evolving legal standards. That balance also demonstrates why the reasoning in *Miller* and *Mattis* cannot stop at age twenty. The very principles that exclude juveniles from life without parole likewise require extending protections through age twenty-five.

2. The Age-Crime Curve and Natural Desistance from Crime

An equally important dimension of culpability is how criminal behavior evolves with age. As the age-crime curve demonstrates, most young offenders naturally desist from crime as they mature: criminal behavior peaks in late adolescence and early adulthood and then declines sharply after age twenty-five.[192] This reality undermines the justification for life without parole, which assumes individuals sentenced in their late teens or early twenties will remain criminally active for life.

Empirical evidence supports this trend. Individuals sentenced to life without parole at young ages have among the lowest recidivism rates of any incarcerated population.[193] Studies show that individuals sentenced to life and later released on parole are less likely to reoffend than those who serve shorter sentences for less serious crimes.[194] One explanation is developmental: as impulse control and decision-making improve over time, individuals age out of criminal behavior.[195]

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190. *See supra* notes 169–73 and accompanying text.

191. *See* Roper v. Simmons, 543 U.S. 551 (2005); Graham v. Florida, 560 U.S. 48 (2010); Miller v. Alabama, 567 U.S. 460 (2012); Davis, *supra* note 176; *see also* discussion *supra* Section I.A.2.

192. Rocque et al., *supra* note 88, at 1 (Adolphe Quetelet, "one of the first to recognize the persistent relationship between age and crime[,] . . . discovered that crime rose with age, peaking around age 25 and declining precipitously thereafter.").

193. ASHLEY NELLIS & BREANNA BISHOP, THE SENT'G PROJECT, A NEW LEASE ON LIFE 14 (2021), https://www.sentencingproject.org/app/uploads/2022/08/A-New-Lease-on-Life.pdf [https://perma.cc/FL6T-LWFG].

194. *Id.*; Katy Naples-Mitchell, *Mass. Highest Court Decision Shows How Neuroscience Can Shape the Treatment of Young Offenders*, WBUR: COGNOSCENTI (Jan. 25, 2024), https://www.wbur.org/cognoscenti/2024/01/25/life-sentences-without-parole-sjc-mattis-katy-naples-mitchell [https://perma.cc/TX83-CZTE].

195. PERKER & CHESTER, *supra* note 5, at 3.

Taken together, these findings undermine the assumption that individuals who commit serious crimes in early adulthood will remain permanently dangerous. Because criminal behavior declines as individuals mature, life without parole rests on an overbroad prediction of lifelong risk.

i. Public Safety and Recidivism

Opponents of sentencing reforms also argue that eliminating life without parole would endanger the public by releasing individuals who remain violent.[196] Crime data show that individuals aged twenty to twenty-four commit a disproportionate share of serious offenses.[197] In 2023, for example, individuals in this age group committed 3,013 homicides—the highest number among offenders with a known age.[198] Additionally, in 2019, men made up approximately 88% of homicide offenders with a known gender, reinforcing concerns that removing life without parole would disproportionately affect those responsible for the most serious crimes.[199]

While these figures are striking, they do not tell the whole story. The age-crime curve consistently demonstrates that criminal behavior declines sharply after the mid-twenties, meaning many emerging adults who commit serious offenses are unlikely to remain dangerous as they age.[200] This trend is evident in the data: homicides drop from 3,013 cases in the twenty-to-twenty-four bracket to 2,233 cases in the twenty-five-to-twenty-nine bracket—a nearly 26% decrease.[201]

Even acknowledging this decline, some contend that a significant number of individuals remain dangerous and should not be categorically exempt from life without parole.[202] That reasoning, however, rests on the assumption that past violent behavior reliably predicts future risk—an assumption not supported by recidivism data.[203] Individuals serving life sentences who are later released on parole reoffend at lower rates than other formerly incarcerated groups.[204] A more just and effective approach is

196. *Id.*

197. *Id.*

198. *Number of Murder Offenders in the United States in 2023, by Age*, STATISTA (2023) [hereinafter *Number of Murder Offenders*], https://www.statista.com/statistics/251884/murder-offenders-in-the-us-by-age [https://web.archive.org/web/20250913163206/https://www.statista.com/statistics/251884/murder-offenders-in-the-us-by-age].

199. FBI, *Crime in the United States 2019: Expanded Homicide, Overview* (2019), https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/expanded-homicide [https://web.archive.org/web/20250926002702/https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/expanded-homicide]. At the time of this Note, the FBI has released data only through 2019.

200. PERKER & CHESTER, *supra* note 5, at 2.

201. *Number of Murder Offenders*, *supra* note 198.

202. NELLIS & BISHOP, *supra* note 193, at 23.

203. *Id.* at 14; PERKER & CHESTER, *supra* note 5, at 3.

204. NELLIS & BISHOP, *supra* note 193, at 14 ("Individuals who are released on parole after serving sentences for murder consistently have the lowest recidivism rate of any offenders." (quoting John Carner,

structured parole review and individualized sentencing, which ensure that only those who continue to pose a public safety risk remain incarcerated.

ii. The Limits of Deterrence as a Justification for Life Without Parole

Another commonly cited rationale for life without parole is deterrence. Deterrence theory rests on the idea that imposing the harshest penalties discourages individuals from committing serious crimes by signaling that extreme consequences will follow. However, this logic assumes that individuals rationally weigh risks before acting—an assumption that does not hold for emerging adults. The same developmental characteristics that justify more lenient sentencing for juveniles, such as heightened impulsivity and susceptibility to external influences, also apply to those under twenty-five.

Supporters of life without parole argue that narrowing its availability could encourage more crime by removing a critical deterrent.[205] Yet this claim ignores well-established developmental research. Young individuals do not engage in crime after calculating long-term risks; their actions are often driven by immediate circumstances and short-term pressures.[206] The Supreme Court has already recognized these differences in decision-making when it rejected deterrence as a sufficient justification for extreme sentencing in cases involving juveniles.[207] The same reasoning that led the Court to strike down the juvenile death penalty in *Roper* and juvenile life without parole in *Graham* applies equally to emerging adults. Both decisions recognized that young offenders lack the psychological maturity to weigh long-term consequences in a way that would make extreme sentencing an effective deterrent.

This failure of deterrence is not merely theoretical; it is evident in sentencing policies nationwide. States that have abolished life without parole for juveniles or implemented parole eligibility for young offenders have not experienced a surge in violent crime.[208] Instead, approaches that prioritize structured parole review and individualized sentencing have been associated with lower recidivism rates and improved public safety outcomes.[209] If deterrence were a compelling justification for life without parole, states

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former spokesperson for the New York State Division of Criminal Justice Services)).

205. *See, e.g.*, Graham v. Florida, 560 U.S. 48, 72 (2010) (noting deterrence as a traditional justification for life without parole).

206. Brief of Amici Curiae Neuroscientists et al., *supra* note 4, at 16; Steinberg, *supra* note 35, at 56–57; INSEL ET AL., *supra* note 4, at 24–26.

207. *See, e.g.*, Roper v. Simmons, 543 U.S. 551 (2005); *Graham*, 560 U.S. 48.

208. NELLIS & BISHOP, *supra* note 193, at 14 (listing state-level recidivism data of violent offenders for Louisiana, Michigan, New Jersey, and New York).

209. *Id.*

eliminating it should have seen a measurable crime increase—but they have not.[210]

Taken together, these points demonstrate why deterrence cannot justify condemning emerging adults to die in prison. The reasoning in *Mattis* supports this conclusion: emerging adults share the same diminished culpability as juveniles, naturally desist from crime, and are not meaningfully deterred by extreme sentencing. As courts and policymakers reconsider these practices, *Mattis* marks a decisive turn toward rehabilitative justice—one with implications that extend well beyond the state of Massachusetts.

B. THE NATIONAL IMPACT OF *MATTIS*

The arguments for extending *Mattis* beyond Massachusetts raise a broader question: Is this decision unique to one state or part of a national trend? What makes *Mattis* significant is not only that it extends protections beyond juveniles, but also that it does so categorically. Unlike *Miller* and *Montgomery*, which required courts to weigh youth as a mitigating factor and allowed life without parole in rare cases, *Mattis* removes that discretion altogether for individuals under twenty-one.[211] This makes Massachusetts the first state to extend categorical sentencing protections beyond juveniles, marking a substantial expansion of Eighth Amendment doctrine at the state level. Because of its approach and reliance on developmental science, *Mattis* has the potential to shape judicial trends, legislative efforts, and even the future of Eighth Amendment doctrine nationwide.

1. Judicial Trends: The Ripple Effect of *Miller* and *Montgomery*

The logic behind *Mattis* is part of a broader shift in judicial recognition that young offenders deserve sentencing protections. Since *Miller* and *Montgomery*, twenty-five states and Washington, D.C. have abolished life without parole for juveniles or restricted its use, reflecting a nationwide movement toward more individualized sentencing.[212] While these decisions initially applied only to those under eighteen, some courts have begun extending protections to emerging adults.[213]

In 2021 and 2022, the supreme courts of Washington and Michigan interpreted their state constitutions to shield late adolescents from mandatory life-without-parole sentences, recognizing that young adults share the same

210. *Id.*
211. *Id.*
212. Brief of Amici Curiae Neuroscientists et al., *supra* note 4, at 34–35.
213. *Id.*

developmental characteristics as juveniles.[214] Courts elsewhere may not go as far as Massachusetts—at least not yet—but *Mattis* builds on this momentum by becoming the first state decision to categorically ban life without parole for individuals under twenty-one.

Although *Mattis* has not yet been widely adopted, early indications suggest courts may be receptive to its reasoning. A handful of courts have already cited the decision approvingly, [215] and many legal scholars predict that future litigation will test whether *Mattis* can be expanded to older emerging adults.[216] As more states reconsider sentencing practices in light of developmental science, the rationale behind *Mattis* could become a model for further judicial reforms.

2. Legislative Momentum and State Reforms

While courts have begun recognizing the need for sentencing protections for emerging adults, legislatures are also moving toward reform. Across the country, policymakers are reconsidering sentencing laws in light of developmental science, with several states implementing or proposing laws that reflect the logic of *Mattis*. In Connecticut, the proposed "Raise the Age" bill seeks to expand juvenile jurisdiction beyond eighteen, recognizing that individuals in their early twenties share key developmental traits with juveniles.[217] Similarly, Massachusetts has introduced its own "Raise the Age" bill, which mirrors *Mattis* by arguing that emerging adults should not be sentenced as fully mature adults.[218] California has already implemented reforms through its Youth Offender Parole System, which allows individuals sentenced as young adults to be reconsidered for release based on demonstrated rehabilitation.[219] These legislative efforts reflect a growing trend toward replacing permanent punishment with sentencing policies that account for developmental capacity and the potential for rehabilitation.

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214. *In re* Pers. Restraint of Monschke, 482 P.3d 276 (Wash. 2021) (life without parole discretionally banned for individuals under twenty-one years old); People v. Parks, 987 N.W.2d 161 (Mich. 2022) (mandatory life without parole banned for eighteen-year-olds).

215. *See* United States v. Sepulveda, 762 F. Supp. 3d 153, 159–60 (D.R.I. 2025); People v. Powell, No. S284418, 2024 Cal. LEXIS 3149 (June 12, 2024) (Evans, J., concurring); People v. Hardin, 1543 P.3d 960, 1001 (Cal. 2024) (Liu, J., dissenting).

216. *See* Leahy, *supra* note 13, at 10; Chris Villani, *Mass. Ruling Seen as 'Sea Change' in Young Adult Sentencing*, LAW360 (Feb. 23, 2024, at 19:32 ET), https://www.law360.com/articles/1803617/mass-ruling-seen-as-sea-change-in-young-adult-sentencing [https://perma.cc/3JLW-M62X] ("Douglas Berman, a professor at Ohio State University's Moritz College of Law who specializes in criminal sentencing, said it is 'inevitable that *Mattis* will be cited around the country.' ").

217. Aliza Hochman Bloom, *Reviving Rehabilitation as a Decarceral Tool*, 101 WASH. U. L. REV. 1989, 2013–15 (2024).

218. Louisa Moller, *Could "Raise the Age" Bill Reduce Crime in Massachusetts?*, CBS NEWS (Apr. 30, 2024, at 06:22 ET), https://www.cbsnews.com/boston/news/raise-the-age-bill-massachusetts-juvenile-crime [https://perma.cc/YFB3-ZTN8].

219. *Id.*

Momentum is not limited to legislatures. Prosecutors and policymakers are increasingly embracing reforms tailored to young adults. The Emerging Adult Justice Project, developed by the Center for Law, Brain & Behavior at Massachusetts General Hospital in partnership with the Suffolk County District Attorney's Office, represents a significant shift in how prosecutors and courts approach young offenders.[220] This program—one of the first of its kind—provides targeted intervention and rehabilitation for offenders aged eighteen to twenty-five, treating them as a distinct category rather than automatically imposing adult sentences.[221]

This shift is reflected in *Mattis* itself. In an amicus brief supporting *Mattis*, the District Attorneys for the Northwestern District and the Berkshire District advocated for individualized sentencing for those aged eighteen, nineteen, and twenty, arguing that imposing life without parole absent individualized sentencing—while prohibiting the same punishment for juveniles—"shocks the conscience and offends fundamental notions of human dignity."[222] This position signals that prosecutors—long among the strongest proponents of harsh sentencing—are beginning to endorse rehabilitation-focused approaches as more effective than extreme punishment.

3. Social and Economic Implications

Beyond constitutional doctrine, *Mattis* highlights the policy failures of extreme sentencing, especially their racial and economic disparities. Racial disparities in life sentencing are particularly pronounced among youth and emerging adults. In 2024, although Black Americans aged twenty-five and older comprised 50% of the life-without-parole population, that figure rose to 62% among those under twenty-five at the time of their offense, illustrating how age exacerbates existing racial inequities in the harshest sentences.[223] Harsh sentencing disproportionately impacts marginalized communities, deepening racial inequalities in the criminal justice system and

220. *Emerging Adult Justice Project*, EAJ, https://www.eajustice.org [https://perma.cc/66RW-HFPB]; *Juvenile Justice & the Adolescent Brain: Youth Adult Diversion Program*, CTR. FOR L., BRAIN & BEHAV., https://clbb.mgh.harvard.edu/juvenilejustice [https://perma.cc/G7H7-U3AB].

221. *Juvenile Justice & the Adolescent Brain: Youth Adult Diversion Program*, *supra* note 220.

222. Motion by Amici District Attorneys for the Northwestern and Berkshire Districts for Leave to File Letter in Lieu of Brief at 1, Commonwealth v. Mattis, 224 N.E.3d 410 (Mass. 2024) (No. SJC-11693) (citation omitted).

223. ASHLEY NELLIS & CELESTE BARRY, THE SENT'G PROJECT, A MATTER OF LIFE: THE SCOPE AND IMPACT OF LIFE AND LONG TERM IMPRISONMENT IN THE UNITED STATES 2, 23 (2025), https://www.sentencingproject.org/app/uploads/2025/01/A-Matter-of-Life-The-Scope-and-Impact-of-Life-and-Long-Term-Imprisonment-in-the-United-States.pdf [https://perma.cc/NM7T-TE4Y]; *see also* NELLIS & MONAZZAM, *supra* note 1, at 6 (observing that the intersection of youth and race results in a substantially larger share of life-without-parole sentences than race alone).

consigning low-income individuals to life without parole at markedly higher rates.

The economic costs are equally troubling. Life imprisonment commits states to decades of correctional spending per individual, even after individuals have aged out of criminal behavior and no longer pose a meaningful public-safety risk.[224] By contrast, parole-based and sentence-review mechanisms reduce costs by ending incarceration altogether and replacing it, where necessary, with far less resource-intensive forms of supervision.[225] Given these realities, *Mattis* offers not just a legally sound approach, but a fiscally responsible and socially effective framework for sentencing reform. Meanwhile, long-term incarceration destabilizes families and communities by removing young adults from the workforce during their most productive years, creating cycles of poverty and limiting opportunities for reintegration.[226]

CONCLUSION

The significance of *Commonwealth v. Mattis* lies not only in its categorical ban on life without parole for those under twenty-one, but also in what it signals for the future. The decision reflects three converging currents: developmental science demonstrating that young adults remain less culpable, the age-crime curve showing most will naturally desist, and judicial and legislative trends increasingly rejecting permanent punishment. Taken together, these currents support a sentencing framework that aligns constitutional doctrine with developmental reality. Extending *Mattis*'s reasoning through age twenty-five would ensure that the law no longer ignores science, wastes resources, or condemns developing individuals to die in prison. In that sense, *Mattis* is not just a state decision, but a blueprint for future Eighth Amendment rulings.

224. NELLIS & BARRY, *supra* note 223, at 5–7, 26–29 (describing the significant financial costs of life imprisonment for states and recommending parole eligibility and sentence-review mechanisms as alternatives).

225. *Id.*

226. Hochman Bloom, *supra* note 217, at 1993–95, 2007–08.