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# CLBB News

A newsletter from the Center for Law, Brain & Behavior

July 25, 2022

## *CLBB's Robert Kinscherff Helps Turn the Tide in Landmark Ruling on Juvenile Justice*

On Wednesday, July 20, Massachusetts Superior Judicial Court Judge Robert L. Ullmann relied on expert testimony about age and brain development from **CLBB Executive Director Robert Kinscherff** and three other national experts when **ruling** that it is unconstitutional to automatically sentence people under 21 to life in prison without the possibility of parole. The Court based its ruling under the Massachusetts constitution on 15 years of **extensive brain and social science** that establishes the neurodevelopmental and social immaturity of 18 through 20-year-olds make them more susceptible than older adults to reckless and risky behavior that can result in dangerous and even lethal behavior.

In the 2021 case of *Mattis*, **Dr. Robert Kinscherff** testified that in addition to the neurodevelopmental immaturity of 18 through 20-year-olds, there are many other factors that contribute to violent crime (especially for youth and young adult offenders), their typical self-desistance from crime as they enter their 20s, and their greater capacities for rehabilitation than older adults.

Ullmann states that “the brain science and forensic science study results described in this opinion lend direct support to the conclusion that mandatory life-without-parole sentences for defendants who were age 18 through 20 at the time of their crimes constitute cruel or unusual punishment under article 26.”

In summary, Ullmann ruled that the record of brain science and social science bars the imposition of mandatory life without parole sentences for persons aged 18 through 20-year-old at the time of the crime. Judge Ullmann opined that the science demonstrates that these mandatory sentences of life without parole constitute a “sentencing practice based on mismatches between the culpability of a class of offenders and the severity of a penalty” and thus a “cruel or unusual punishment” in violation of Article 26 of the Massachusetts Declaration of Rights.

