



STATEMENT REGARDING THE DECISION OF THE OREGON SUPREME COURT IN *KINKEL V. PERSSON*

May 10th, 2018

"We're disappointed by the decision announced today by the Oregon Supreme Court. In recent years, the U.S. Supreme Court has recognized fundamental differences between children and adults based on brain science and development. The scientific evidence is clear: all young people have inherent potential to grow and change including those who have committed the most serious crimes. Based on this science, the U.S. Supreme Court has held that before a court can sentence a child to life without parole, it must take into account the biological and psychological differences and the trial court must find the youth to be "irreparably corrupt." This extremely high bar makes it exceedingly rare for a child to receive a lifetime sentence.

"We believe Judge Egan's dissent correctly articulates the legal standard and that the 112-year sentence, the equivalent of a life without parole sentence, violates the 8th Amendment and our evolving standards of decency. Mr. Kinkel was a youth and experiencing serious mental health problems at the time he carried out his crimes. In contrast to the majority, Judge Egan, dissenting, accurately recognizes that his 'acts...cannot be extricated from the fact that he is a child' and disagrees that his 'mental disorder, was solely, to the exclusion of...[his] youth, responsible for his crimes.' Mr. Kinkel's actions 'reflect the transient immaturity of youth" coupled with mental illness; '[there] is no evidence...that [Mr. Kinkel's] crimes are the result of an irretrievable depravity.' The horrific nature of Mr. Kinkel's crimes, committed as an immature adolescent, does not prove that he is incapable of reform. As Judge Egan noted, '[any] legal conclusion about [Mr. Kinkel] or his sentence does not require this, or any, court to diminish or ignore the immense pain, suffering, and loss of life that petitioner inflicted."

Statement to be attributed to Bobbin Singh, Executive Director, Oregon Justice Resource Center.