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Life After Life
Kevin Boyd & Tyler Hadley

Sherry: They were both murderers. Both juveniles who had been waived into Adult Court. Both sentenced to Life Without Parole. And they were both beyond excited at the prospect of gaining an early release when the Supreme Court decided that kids shouldn't automatically be sentenced to Life Without Parole; that the judges needed to take a look - a close look - at each juvenile offender before determining a Life Without Parole sentence was actually warranted for their crimes. In the end, one prisoner will find freedom and the other will remain in prison.

(intro music) Ring around the rosie; A pocketful of posies; Ashes, Ashes; We all fall down.

Sherry: Welcome to the Parricide Podcast. I'm Sherry...

Marie: ...and I'm Marie.

Sherry: And today we're talking about life after life. We're going to showcase the killers, Kevin Boyd Jr. and Tyler Hadley, to talk about how juvenile convicts' sentences changed based on rulings by the Supreme Court. If you like our show, please follow us and like us as you listen. We'd love to see you more often – and remember, while this show is about kids - it's not for kids. It covers adult themes. Today we're going to answer a question we get asked a lot.

Marie: Which question?

Sherry: Why are some of these Youthful Parricide Offenders - who were initially given either a death sentence or a sentence of Life Without Parole - suddenly getting out of prison?

Marie: Ah, that's a good question.

Sherry: Are we ready to dive in?

Marie: Sure!

Sherry: Good. We'll take a deep dive into these cases soon, but for today we'll just give you a brief synopsis of both. This is kind of like A Tale of Two Cities, but it's the tale of two Youthful Parricide Offenders and how the Supreme Court decisions impacted their sentences.

First, Kevin Boyd was a troubled kid. At the age of 16, he was a kid with a rough and violent reputation. His parents were divorced, and his mom had made him go live with dad recently due to his out-of-control issues. But once he'd moved in, mom had a better idea. She convinced Kevin that all of their troubles would be over if they could just get some money. And, hey, coincidence - dad had some money. Kevin Sr. had a thriving business and a \$500,000 life insurance policy that Kevin Jr. would inherit. Lynn had no use for Kevin Sr. She and Kevin Jr. carefully plotted his dad's demise. On August 8, 1994, the two of them met up at Burger King at 11 p.m. ready for murder. Kevin Jr. had his key to the house, so they could let themselves in. They brutally murdered his dad and set to work creating a cover-up for their crime. They lied to the police and established false alibis for themselves. But the alibis broke down in a matter of months -and Lynn and Kevin, both, found themselves convicted of murder and incarcerated

under sentences of Life Without Parole. Kevin looked at his lack of future possibilities and wondered how he'd ever let his mother convince him that killing his dad was a good idea.

Marie: That's very sad.

Sherry: It's a very sad story. I think some of our saddest stories are the ones about Parental Predators.

Marie: I think so, too. I think the Parental Predator ones are especially sad because you have two perversions of family relationships. You have the killing of a parent and the manipulation of a child.

Sherry: You're absolutely right. And the parents, I think, should be held doubly responsible for what they're doing there.

Marie: Um-hmm. So, who is our second murderer?

Sherry: This one is 17-year-old Tyler Hadley. He lived in a good home, in a good neighborhood, and he had parents who loved him and wanted only the best for him. But he was constantly in trouble and - although he looked to his parents to get him out of that trouble - he really resented them for caring about him and wanting him to have a good life. Tyler got into drugs and his parents did their very best to help him. And he hated them for making him go through rehab. He told his friends he hated his parents and, approximately one month prior to the murders, he started telling his friends he was going to kill his parents. He just needed to wait for his brother to move out of the house. And that's exactly what he did. On July 16, 2011, he murdered them with a claw hammer - and then he let everyone know that he was going to have a blowout party at his house. His friends - and quite a few other kids - were having a good time at the party because they were unaware that Tyler's parents were dead in the bedroom (rather than out of town, like he'd said). But he told his close friend what was up.

This friend felt it wise to let the police in on his secret and Tyler was arrested and pled no contest to two counts of First-Degree Murder to avoid the death penalty. He found himself sitting in prison - sentenced to two Life Without Parole sentences that were to be served consecutively - and wondered why he ever thought this was the pathway to freedom.

Marie: Wow! Well now you know we're going to have to take a deep dive into both of these cases soon, right? So, which one gets out.

Sherry: No spoilers.

Marie: Okay. I guess it's time to talk about why either of them would have ever gotten out of prison - and it has to do with a few Supreme Court decisions.

Sherry: Um. Roper v. Simmons, Jackson v. Hobbs, and Miller v Alabama – right?

Marie: Well, it's a little more complicated - but those are the primary cases that most people talk about. There's more to all of this - as there are most things - but here is a simplified version.

So, I think we need to cover two topics: where time will be served and Sentencing Guidelines. So, maybe we should start with a brief history. As the world industrialized and jailing people for crimes became more and more of a thing, kids were jailed for crimes - right along with the adults.

Sherry: And we all know how that went.

Marie: Um-hmm. But in 1899, the first Juvenile Court was created in Chicago. It was designed acknowledging that there were fundamental differences between children and adults. It promoted rehabilitation of kids; as opposed to punishment. This system worked well for kids who were simply naughty or mischievous. You know, candy thieves, vandals...but as time went on lawmakers realized that some crimes warrant a stronger response than rehabilitation. And over the next century, lawmakers began to differentiate between kids committing crimes and kids committing adult crimes.

Sherry: That's interesting that they hadn't really given much thought to the fact that children often commit very egregious crimes.

Marie: I know. I think people don't like to think of kids that way. But sometimes it does happen.

Sherry: That's true.

Marie: So, punishment for kids committing serious crimes began to increase as public awareness of children committing serious crimes grew - and public sentiment toward harsher punishment grew. The shift toward pushing kids toward Adult Court if they committed Capital Crimes - like murder - became so strong that eventually they created an Automatic Waiver System in a lot of States.

Sherry: Oh, that's where certain crimes committed by a minor are automatically waived into Adult Court, and the burden of getting it back to Juvenile Court is on the Defense team, right?

Marie: You got it!

Sherry: Yeah. When they say 'waived,' I think of everyone waving at the poor child as he goes off to Adult Court. (laughter) Bye!

Marie: It's kind of like that! Um, an Automatic Waiver into adult court is pretty harsh.

Sherry: It really is. I just think it's funny that they use the waiver as a verb. Bye!

Marie: Yeah, that is kind of funny. So, once they instituted these waivers, kids committing Capital Offenses were immediately treated as if they were adults. A public, adult trial - followed by adult-sized prison sentences to be served in adult prison.

Sherry: That's fairly harsh.

Marie: Um-hmm. And, suddenly, newspapers were filled with pictures of wide-eyed little kids being escorted into an adult prison to live with adult inmates.

Sherry: Oh! That seems really dangerous! Isn't someone responsible for the safety and well-being of these kids; despite their crimes?

Marie: Yes. The state is responsible – and, by extension, the prison system. But they weren't really set up for this kind of work. But they stepped up to the plate and styled a- type of - Kiddy Prison Section to keep the kids safe by keeping them out of the general population.

Sherry: Oh, that's good!

Marie: It is. But honestly, everyone was scrambling trying to figure out what to do with them - and the Kiddy Section was often just a form of Solitary Confinement.

Sherry: Oh, no!

Marie: Yeah. It's 22 - 24 hours per day spent alone in a small cell.

Sherry: That's not good.

Marie: It's really not. Research suggests solitary confinement contributes to mental health problems and suicidal ideation in confined adults - and it's even worse, developmentally speaking, for children. Everyone was trying but, boy, they were getting it wrong.

Sherry: They sure were!

Marie: With a little time, everyone learned - through experience - including judges. And as for where to incarcerate a child who has committed a Capital Offense; a sort of middle ground was found. The judges began to craft Differentiated Sentences.

Sherry: What's that?

Marie: It's a situation where a minor child will spend the front-end of a sentence in the Juvenile System. So, places like Foster Care, Group Homes, and such - and upon reaching the age of majority (established by each state) would be transferred to the Adult Prison System.

Sherry: So, how would they decide if they would put the child in Foster Care or a Group Home? Were they putting murderers into Foster Care families?

Marie: No. They didn't need to do that for crimes like murder. That would be adult crimes - like robbery maybe?

Sherry: Oh, okay. All right. I have murder on my mind, sorry.

Marie: That's okay. Um, yeah. It's very scary to think of putting a parent murderer into a Foster Care situation.

Sherry: Yeah. So, they would take someone and put them into a situation where they would have been put in Youth Corrections had they been charged as a minor. And then after they aged out of that, they moved into adult prison?

Marie: Yeah.

Sherry: Oh, okay.

Marie: So, everyone kind of went, 'Okay. Problem solved.' After years and years of tinkering with a system that wasn't ready for the laws being made, a solution had been found.

Sherry: I'm glad they figured that out. And figured out how to carry out a sentence without psychologically damaging a child. But that only solves one part of a very complicated equation.

I'm thinking that where you serve is very important; but the sentence given to a child seems to be just as important. Shouldn't that sentence be different from that of one given to an adult?

Marie: (sigh) That's a hard question - and a lot of people disagree on it. But it's important to remember that someone who committed First-Degree Murder could be given a Death Sentence regardless of their age.

Sherry: Ooh.

Marie: The public intuitively disagreed with this. The idea is that young kids aren't the same as adults, and we shouldn't sentence them to death. So, everyone kind of had to get back on that 'what do we do with kids' bus. Because sentencing a 14-year-old to death just seems ludicrous; and sentencing a 14-year-old to Life Without Parole started to seem, generally, like not a great idea, either. It would take the Supreme Court to guide the U.S. in this complex problem.

Sherry: That is really a difficult problem.

Marie: It is. In 1972 the debate surrounding Death Sentences, in general, heated up when the Supreme Court in *Furman v. Georgia* in essence suspended the practice of putting a criminal to death for Capital Crimes.

I don't want to take us out into the weeds, so I'm going to skip a bunch of stuff here and try to touch on only what we need for this discussion.

Public sentiment was largely against a complete abolishment of the Death Penalty. In 1976, *Gregg v. Georgia* reinstated the Death Penalty so long as States took the time to create Discretion Statutes to guide the judges in handing down such an impactful and final sentence. And the race was on. Any child who showed up in Adult Court having committed a capital crime was fair game.

Sherry: That means a 14-year-old could be sentenced to death?

Marie: Yeah, they could.

Sherry: Oh, that's not cool.

Marie: I know. We see some pretty scary 14-year-olds, but it still doesn't feel right.

Sherry: Um-mmm. It just feels wrong.

Marie: Yeah. And in 1988, someone took this problem to the Supreme Court - and in *Thompson v. Oklahoma* they decided that offenders aged 15 and younger were constitutionally protected from receiving a Death Sentence. This was at the beginning of a shift toward acknowledging that kids are not simply short adults.

Sherry: So, it sounds like everything shifted to where the kids were pushed more and more into Adult Courts - and this was the system (or the courts) pulling that decision back and remembering that kids were actually children?

Marie: Um-hmm.

Sherry: Okay.

Marie: And the early 2000s, overall, were a time for reforming Sentencing Guidelines for children who had been convicted as adults. So, first there was the case of *Roper v. Simmons*. While preceding that

case (and we need to mention it, because it is the precedent on which their attorneys for Roper v. Simmons built their own case) is Graham v. Florida. In Graham, Terrence Jamar Graham (a 16-year-old boy) and two of his friends attempted to rob a barbecue restaurant in Jacksonville, Florida in 2003. He was charged with Armed Burglary & Assault and Attempted Robbery in Adult Court. He pled guilty in a plea agreement - but it looks like it was a Plea In Abeyance because he wasn't sentenced - and wouldn't be, according to his agreement - as long as he didn't commit any other crimes.

Sherry: Okay. So, he didn't commit murder, right?

Marie: No. He's not a murderer, but it was an adult crime.

Sherry: Okay.

Marie: Basically, they gave him a second chance - which he, of course, didn't appreciate and didn't use to straighten up. He ended up violating his parole 6 short months later; when he was arrested for a Home Invasion Robbery and found himself back in front of the judge who sentenced him to Life in Prison without the chance of parole.

Sherry: Wow!

Marie: Yeah. The judge really didn't have a choice at that point. Because it was 2004 - and Florida had abolished parole for anyone at that point.

Sherry: No one got parole – ever?

Marie: Um-hmm. It was pretty harsh - but there was a huge swing toward being tough on crime that resulted in some, kind of, strange outcomes.

Sherry: Oh, okay.

Marie: But Graham appealed the sentence; arguing that, as a juvenile, he had admittedly committed a serious crime - but he had not intended to kill anyone and *hadn't* killed anyone. A sentence of Life Without Parole was not only harsh - it constituted cruel and unusual punishment. He argued he had not proven to be an ongoing danger to society and that particular sentence robbed him of a chance to demonstrate how growth, maturity, and rehabilitation could work together to allow him the chance to grow up to be a good man and a member of society. The Supreme Court agreed; stating that a child who has committed a non-murder Felony has the constitutional right to have some realistic opportunity to obtain release before the end of the Life term. So, the Graham decision was handed down in 2010 and from that time forward, no Death Sentence was allowed for kids under the age of 18 who committed crimes up to - but not including – murder, because it violated their Eighth Amendment rights.

Sherry: And the Eighth Amendment is...excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. Right?

Marie: That's right! No cruel and unusual punishment.

Sherry: Good thing I paid attention in school.

Marie: (laughter) Yes. Good job.

So, starting in 2010, the courts were prohibited from imposing unduly harsh penalties on criminal defendants. And a death penalty was determined to be cruel and unusual for crimes up to - but not including - murder committed by kids under the age of 18.

Sherry: Okay. I think that makes sense. In short, they're saying quit killing kids.

Marie: But the states weren't really in the business of killing kids, technically. The juvenile would commit the crimes while under the age of 18, be convicted, and sentenced to death. And then get stuck waiting a few years to die. Most likely this was because the optics of executing an actual, obvious child made for bad press. Plus, they were allowed to go through a fairly lengthy appeals process - just like adults do.

Sherry: Ah, okay.

Marie: So, they were sentencing kids to be killed but not killing kids.

Sherry: Okay.

Marie: They'd wait until they were adults.

Sherry: That's still sad.

Marie: It is still sad. So, the Coordinating Council on Juvenile Justice and Delinquency Prevention put out a list of Juvenile Offenders who were executed in the U.S. between January of 1973 and the end of June 2000.

There were 17 Youthful Offenders in total who ended up being executed. There weren't any between 1974 and September of 1985. After that there were a few. We'll leave a copy of the table on our Patreon page for those of you who want to take a deep dive into this information.

Sherry: Ah. Were there any female offenders who were executed?

Marie: No.

Sherry: So, can I ask you a couple of questions about that information?

Marie: Sure.

Sherry: Okay. So, how old were they all when they committed their crimes?

Marie: Everyone - but one person - was 17 years old. Interestingly, the one offender who was 16 years old was Shawn Sellars, a parricide offender. He was convicted of murdering his mother and his stepdad as they slept - and he later confessed to murdering a salesclerk, Robert Paul Bower, the year prior. When Mr. Bower refused to sell him beer at a Circle K in 1985. He'd not been caught for that murder.

Sherry: Wow! That's another case we probably should discuss at length.

Marie: You're right. We should totally do that. But he's, you know, he's under 17. But he's a triple murderer; so, he's a little different.

Sherry: Right. So, we hear a lot about racism and executions. Was that going on here?

Marie: Umm. That's a very nuanced and complex question. And it would take a lot more than a simple yes or no to answer it. You can't just make a list of each offender's race and say, 'Oh, yes. This clearly was or wasn't racism.'

You have to look at myriad factors. Like - Sean Sellars was a triple murderer. Obviously not all of them are triple murderers. You have to look at myriad factors - like the circumstances of the crimes, the exact crimes, the person who committed the crime (you know - what kind of childhood they had...all those factors). Percentage of those executed to the representation within the community at large - and any mitigating factors. And probably a million things I haven't said; in order to determine whether racism actually exists in this list.

Sherry: That makes sense.

Marie: Yeah. But all that said, we can look at just race and say that of Juvenile Offenders actually executed between 1973 and 2000 - 9 were white, 7 were black, and 1 was Latinx.

So, a casual glance indicates maybe not racism - just by percentages more than half were white. But, as I said before, that's a very casual glance. For example, we know Sean Sellars - who was white - murdered his mom and stepdad in their sleep and another person. But we also know that Terrance Jamar Graham from Graham v. Florida hadn't killed anyone but had initially been sentenced to death - and he was black.

Sherry: Oh, yeah.

Marie: So, again, Counting up the number for each race gives you a tiny indicator - and not the full story.

Sherry: That's very true. I hadn't really thought of it quite that way. So, do you generally know what the crimes of these 17 boys were?

Marie: Well, I only briefly checked into them - and I didn't get into the details on each case or each child's background - but here's what I found:

- Almost half of the Murders that resulted in an execution had Rape or Attempted Rape listed as a charge;
- Of these executions, the majority of the rapists were white.
- Two of those executed had been convicted of a parricide offense: Sean Sellars had killed his mother and stepfather. Christopher Thomas actually helped his girlfriend murder her parents. He was executed and she served only 7 years as a juvenile.

Sherry: (scoffs)

Marie: So, we're going to have to cover her story one of these next episodes.

Sherry: We are. That just always blows my mind when the girl who benefits from the murder, creates the murder, and facilitates the murder actually gets a very short time - and the person she used as her hitman is killed.

Marie: Executed!

Sherry: Yeah.

Marie: And even when they're not executed, they often get longer sentences - which has improved somewhat as time goes on. But it's still very disturbing that that's been happening.

Sherry: Yes, it is. I'm glad that they are now starting to sentence the girl for the exact amount of time that the boy gets. I think that makes so much more sense.

Marie: Well, if they're co-conspirators - and she facilitates the murder - she should get the same sentence. I agree. Especially with what we know about Booty Bumpers.

Sherry: True.

Marie: As far as age, all those executed had committed their crimes at age 17 - except for Sean Sellars; who was 16.

- None of them were executed within the first five years. But they were all executed before the age of 39.

Sherry: Wow.

Marie: Um-hmm.

- The median age was 28 - and the mean was 29 - so they were spending about 10 years appealing and then incarcerated - and just kind of waiting for their execution.

Sherry: And looking like men instead of boys.

Marie: Yes.

But I think it's fair to point out that Virginia and Texas seemed to go a little wild when it looked like the Supreme Court was going to end the Death Penalty for convicts who committed their crimes while under the age of 18. Virginia executed a 26-year-old and a 23-year-old in January of 2000. And Texas executed a 27-year-old and a 36-year-old in 2000 - just before the practice was outlawed.

Sherry: That seems pretty terrible. Especially when you look at the Virginia executions: 26 and 23 are so much lower than the mean. And showing up right at the end is really suspect.

Marie: Yeah. It makes you question whether those people got the due process that everyone else did.

Sherry: Uh-hmm. Well, enough about that. What I want to know is what everyone did - all of these kids.

Marie: Okay. So, 5 of them committed murder during a robbery - which we know is felony murder.

Sherry: Right.

Marie: 3 kids committed murder during a rape; one was raping a 14-year-old, one a nun, and one a cab driver.

Sherry: That's awful.

Marie: It is horrible. And then there were 3 kids who had already murdered more than one person.

Sherry: Wow!

Marie: Um-hmm. And murdered them at separate times. And 2 of them tried to rape or raped their victims. So, Youthful Serial Killers is a whole other thing.

Sherry: Mm-hmm.

Marie: One kid had murdered a State Trooper. Three kids had murdered Good Samaritans - who were doing them a favor (and one of them had also attempted to rape the Good Samaritan).

Sherry: These are all really terrible!

Marie: They're very severe cases. Which is why they resulted in death penalties.

Sherry: Right.

Marie: And two of the kids were parricide offenders. As we've mentioned - Sean Sellars who had murdered three people. The other was Doug Thomas who murdered his fourteen-year-old girlfriend's parents for her - he got executed and she spent seven years in Juvie.

Sherry: That's criminal.

Marie: It's terrible.

Sherry: So, if you don't learn anything else from our podcasts, we hope you learn to leave the 14-year-old girls alone, if you're a young adult male.

Marie: For so many reasons.

Sherry: Yeah. When you're finished with this podcast, go listen to Episode 20: Anything For Love. It's about a 14-year-old girl named Tylar Witt.

Anyway, so it was Graham that said you couldn't execute kids who committed a Capital crime up to - but not including - Murder, right?

Marie: That's right. And then along came Roper v. Simmons in 2005. This decision extended the ruling in Graham to include Juvenile Offenders who *had* committed Murder.

Sherry: So, at that point (2005) a person under the age of 18 could commit *any* crime and not have the specter of an execution hanging over their head at sentencing - no matter what, right?

Marie: Yes. And anyone who had received the Death Penalty at sentencing prior to this, had their sentences commuted to Life Without Parole.

Sherry: That seems largely fair.

Marie: Um-hmm. It's hard. There's always going to be debate when the death penalty is involved.

Sherry: Right.

Marie: But - ultimately - children could still be sentenced to Life Without Parole. And those sentences didn't seem to be uniform at all. So, that was targeted for scrutiny next. There were two cases filed in the Supreme Court that were consolidated to form the basis for the Supreme Court's decision. One was Jackson v. Hobbs and the other was Miller v. Alabama. In Jackson v. Hobbs a 14-year-old named Kuntrell

Jackson had gone to a video store with two friends intending to rob it. Jackson was supposed to be the lookout. The robbery went bad, and the counter clerk was shot and killed by Jackson's partner in crime.

Sherry: Ohh.

Marie: Um-hmm. Because Jackson was a party to a felony, it didn't matter that he didn't actually shoot the clerk. That he was part of the crime, meant that he was part of the murder. And he was convicted in the Adult Courts and sentenced to Life Without Parole.

Sherry: Wow!

Marie: I know. It's kind of crazy, but this happens all the time with adult murderers - adult robberies. You go to the robbery - you don't think anyone's going to die - your partner kills someone, and all of a sudden, you're a murderer. And that's how it works. Which is why it's so important to not go with anyone to a robbery.

Sherry: Right.

Marie: Because you're responsible for their behavior.

Sherry: Wow!

Marie: Um-hmm. In Miller v. Alabama - which was decided in 2012 - a 14-year-old named Evan Miller went with his friend to his neighbor's house to get drunk and smoke marijuana. I know - very bad behavior for a 14-year-old.

Sherry: (giggles) You saw my eyebrows go up!

Marie: Um-hmm. The man who lived there passed out, and the boys proceeded to take his things. But he woke up and caught them. So, then the boys took turns bludgeoning the neighbor with a baseball bat and ran away. But they returned later to set the trailer on fire to conceal their crimes.

Sherry: Oh.

Marie: Yeah. And the neighbor died. Miller was convicted in Adult Court and was sentenced to Life Without Parole.

Sherry: Wow.

Marie: In reviewing the consolidated appeals, the Supreme Court determined that Mandatory Life Without Parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment's prohibition on cruel and unusual punishments.

They didn't decide that a murderer under 18 years old could not be held to Life Without Chance of Parole. But they did conclude that rules would need to be established - guaranteeing judges would look very very carefully at each conviction.

Sherry: That's really interesting. Because a lot of people think that it means that kids can't be sentenced to Life Without Parole if they're under the age of 18 - and that's not what this ruling said at all.

Marie: Um-umm.

Sherry: So, I haven't really ever tried to articulate it - but it also makes sense that we're not treating kids and adults the very same; when it comes to sentences. Because when a child commits a crime - there are some differences - but I really don't know how to articulate those differences.

Marie: Well, you're in luck. The attorneys on those two cases worked very hard and articulated three important areas in which juveniles differ - developmentally speaking - from adults. The attorneys argued these areas explain why a juvenile may be less culpable (i.e., responsible for their actions) than an adult. Want to know what they said?

Sherry: Mmm, yeah.

Marie: Okay. So, we have: **Immaturity.** Juveniles have an underdeveloped sense of responsibility - which can result in ill-considered actions and decisions when compared to adults.

Sherry: True.

Marie: **Vulnerability.** Juveniles are more susceptible to negative influences and peer pressure (or parental pressure).

Sherry: Also, true.

Marie: **Changeability.** The character of juveniles is not as solidified as that of adults; thereby giving juveniles greater potential for rehabilitation.

Sherry: I don't know if I agree with that one – but, in general, yes. I mean there will be exceptions, right?

Marie: Of course. Yeah.

Sherry: Okay.

Marie: They're just talking about the way that your brain is - when you're a child, it's more plastic and easier to be changed by situations that you're in.

Sherry: I guess that's really true - in most cases.

Marie: Um-hmm. So, the attorneys argued that - although the Adult Court may be the most appropriate venue in which to try children who have committed adult-sized crimes, the judges really needed to be handling these cases a bit differently in order to protect the Eighth Amendment rights of these special case defendants. And the Supreme Court Judges agreed. The court ruled that Juvenile Offenders have Diminished Culpability and greater prospects for reform than adults, and that judges and juries must have the opportunity to consider the mitigating qualities of youth when sentencing a child - even when that child has committed heinous crimes.

Sherry: Hmm.

Marie: This ruling is generally referred to as the Miller Ruling - and it identified five factors that must be considered in determining whether a sentence of Life Without Parole would be appropriate.

Again, Miller does not preclude the sentencing of a minor to Life Without Parole, but it does ensure rules are established that will ensure the determination is appropriately made. Specifically, a chance for

release must - if at all possible - be given to those who demonstrate the truth of Miller's central intuition: that children who commit even heinous crimes may be capable of change.

Those 5 factors - known as the **Miller Factors** are; the Juveniles Age and Immaturity as defined above, Family Home Environment; Circumstances of the Offense - including the role juveniles had in the offense, and any influence of peer pressure including the influence of Parental Predators.

Sherry: Thank goodness.

Marie: Um-hmm. The Incapacities of Youth that may have Disadvantaged the Juvenile in Dealing with the Justice System - like challenges dealing with police or participation in court, and finally the Juvenile's Potential for Rehabilitation.

So, in short, it became more difficult to just sentence a Juvenile Defendant to Life Without Parole; but not impossible. And it does still happen.

Sherry: Okay.

Marie: So, now you can't impose a death sentence on any Defendant who committed their crimes when they were under the age of 18, and you can't just sentence a minor Defendant to Life Without Parole without establishing a firm plan wherein the Miller Factors are considered.

Sherry: That seems like we've taken a very good course; as far as society goes. But what about those unlucky convicts who committed their crimes and were tried prior to the changes in law and have already been sentenced to Life Without Parole?

Marie: That's a good question. Once a decision like this is passed down, those who were convicted and sentenced under the old laws always, understandably, want a chance for a Resentencing Hearing. If you remember in our episode, The Luckiest Girl, Nikki Reynolds is released early from prison because she was able to be resentenced using a different set of Sentencing Guidelines. Which is similar to this, although in Nikki's case it was not Miller that affected her case - it was a different law.

Sherry: Okay.

Marie: Because of Miller v. Alabama, there was a huge clamor from inmates who wanted their sentences revised based on the new ruling. But it would take another Supreme Court ruling, Montgomery v. Louisiana, four years later (in 2016) to allow the Miller Ruling to be applied retroactively. Every state had to locate every inmate who had been sentenced to Life Without Parole for a juvenile crime and offer them a Resentencing Hearing wherein the Miller Factors would be considered. Which brought up yet another question: what if you were a juvenile when you committed the crimes and you were given a Death Sentence that was later commuted to Life Without Parole. Aren't you also entitled to a Resentencing Hearing under Miller? The answer was yes, and many inmates were ecstatic! Maybe there would be life after Life.

Sherry: Awesome.

Marie: Yeah. That was excellent news for them. For example, convicts like Henry Montgomery who killed a sheriff's deputy when he was 16 years old was sentenced to execution in 1966. He won a new trial on appeal and was resentenced to Life Without Parole in 1969. Which was a relief to him because he didn't want to get executed. He struggled to figure out how to live a good life in prison, but he

figured it out. He eventually finished his education and became a positive role model for other incarcerated men. He watched closely as Miller was decided in 2005 and he was excited; thinking he may one day get out of prison. But he was told no - this case did not apply to his circumstances because his initial sentence had been *changed* to life. But then (in 2016) with the Adams decision he was suddenly eligible for a Resentencing Hearing. His actions in prison indicating the kind of man he had grown to be were taken into consideration, and he was re-sentenced with the opportunity to be released on parole. He went before the parole board in 2018 and 2019 - and was refused. The board did not deem him ready for parole. But in 2021 he was released on parole. Many people saw this as a win and many people saw it as a loss.

It's easy to see it both ways, because on the other side of the prison walls were all of the victims' families who were once again going to find their days filled with heartbreaks as they had to revisit the crimes, fears, and resulting losses they'd experienced when their loved ones were murdered. Which brings us back to Kevin Boyd and Tyler Hadley.

Sherry: Wow.

Marie: Um-hmm.

(musical interlude)

Sherry: So, I need to tell you who ended up getting out of prison, right?

Marie: Yep, I'm ready!

Sherry: Okay. So, who do you want to hear first?

Marie: Umm, either one.

Sherry: No. Pick one.

Marie: Okay. Kevin Boyd.

Sherry: Alright. So, Kevin Boyd's Resentencing Hearing was held in 2019. He was resentenced to 25 - 60 years for the murder of his father; making him immediately eligible for parole. He was released into parole on January 7, 2020. And he was released from Supervision in January of 2022.

Marie: That was a pretty fast release. I mean, he was resentenced in 2019 and out in two years.

Sherry: Um-hmm.

Marie: Well, out in three years.

Sherry: Yeah. It was pretty fast. So, he must have done a lot of work in prison.

Marie: Yeah. Was he particularly well behaved?

Sherry: I guess. I would suppose he was. It's really interesting, because a lot of the kids who had a Parental Predator who was mentoring them into the murder, actually do quite well in prison and come out and live a very productive life - like the Wittes.

Marie: That makes sense. I think if it's not really necessarily your idea – we, of course, don't know who first floated the idea - but if you were influenced into it by someone who you trust and respect their authority; I think that it's more like an accomplice-type thing. Even though they're murdering their parent - of course that's unthinkable - I think it's a very different kind of person than someone who has come up with idea on their own and follows through with it on their own. As we know, not everyone who thinks of killing their parents can follow through on it.

Sherry: Right. And I just think that when you look back at those factors they listed - it's true that kids really are easily influenced. Especially by someone as powerful as another parent.

Marie: I agree. I think that's a huge influence. So, I guess now we know. Tyler Hadley is still in prison, right?

Sherry: Yes, he is. When he had his Resentencing Hearing, the judge talked about how egregious his crime had been. And even though he was going to be staying in prison - and he's still there today - the family talked about how terrible it was. It was like a second funeral to have to go through this yet again - to have the scab ripped off. To have to go through the pain and the memories of the murder of their mother.

Marie: Yeah, it's horrible for the victims.

Sherry: It really is. It's not just your parents are dead, and that's a sad story. The family of the victims have to live with that - and live with the outcome of that - for a very long time.

Marie: And every time the courts do something - to try and give the murderer a chance at a better life, at due process, and all these things - the victims have to come in and give another statement. And say, 'Yes, we're fine having him out.' or 'No, we're not fine having him out.' And that's very stressful.

Sherry: Right. And, in addition to that, the families also have to worry if it was a particularly ornery kid - like Tyler was - because he was a particularly bad kid from the sounds of everything. They have to worry about repercussions. They've testified in court - they worry about their families; they worry about what to do with him. He's still a member of their family, even if he's in prison.

Marie: And their safety is a concern, in some cases.

Sherry: Very much so.

So, that's all we have for today. It was a lot - and a little bit different than we usually do. I hope that you all enjoyed it.

And, as always, we'd like to thank Jade Brown for the music. And we'd also like to thank the U.S. Department of Justice's Coordinating Council on Juvenile Justice and Delinquency Prevention, Murderpedia, Oxygen's Snapped - Season 28, Episode 22 on Lynn Boyd, the Equal Justice Initiative, the Journal of the American Academy of Psychiatry, and the Law's article called Terms of Years Sentences since Miller v. Alabama by Jennifer Peale, the Death Penalty Information Center, the American Psychological Association, Cornell Law School's Legal Information Institute, and the Detroit Free Press. If you have any questions or would like to see any of these articles, please contact us. We'd be happy to share them.

Marie: Thank you - our listeners - and especially our Patreon supporters. Your support means the world to us, and we couldn't do this without you.

Sherry: Very true. So, this has been the Parricide Podcast.

Marie: And remember, always sleep with one eye open.

Musical outro: Ashes, ashes; We all fall down