



Juvenile (Under 18) & Emerging Adult (18-25) Plea Bargaining: A Toolkit from the NeuroLaw Library

Overview:

Neuroscience and developmental science have made clear that adolescents and emerging adults differ from older adults in ways that are relevant to the legal process. Brain regions involved in emotion, reward, and threat detection develop earlier than the systems that support planning, self-regulation, and the evaluation of long-term consequences. This developmental gap helps explain why young people are more likely to make impulsive choices, prioritize immediate rewards, be influenced by peers and authority figures, and fail to weigh future harms, especially in stressful or emotional situations.

These features of development are especially relevant in plea bargaining, where decisions are often made quickly, against the threat of significant punishment, and under pressure to resolve a case before trial. For adolescents and emerging adults, the immediate prospect of release, a reduced sentence, ending the legal process, or not having to assist the prosecution against peers may be given outsized weight, while the long-term consequences of a guilty plea may be less fully understood or appreciated. Indeed, a growing body of research suggests that youth are less likely to appreciate their trial rights, available legal options, and the long-term consequences of pleading guilty. These insights from neuroscience and behavioral research raise concerns about whether certain guilty pleas made by juveniles and young adults are entered voluntarily, knowingly, and intelligently—requirements for guilty pleas established by the U.S. Supreme Court.

This toolkit provides a guide to science-informed approaches to plea bargaining as they relate to adolescents and emerging adults. It includes scientific articles on adolescent and young adult brain development as well as academic studies examining developmental vulnerabilities in the context of plea bargaining. The guide also compiles relevant case law, amicus briefs, and additional resources that illustrate how developmental science can inform legal advocacy and decision-making in cases involving young people. Together, these resources are intended to support developmentally informed legal advocacy and decision-making in cases involving young people.

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I. Scientific Articles on Adolescent Brain Development

Emotion and Impulse Control in Adolescence and Young Adulthood	
Madeline Dreyfuss et al., <i>Teens Impulsively React Rather than Retreat from Threat</i>, 36 Dev. Neurosci. 220, 226 (2014). [View in NeuroLaw Library 	
Summary:	Adolescent brains activate emotional regions when threatened, negatively impacting decision-making abilities. In calmer, controlled environments, teenagers are able to make more effective decisions. Teenage risk-taking and crime is linked to increased negative emotions and reduced self-control.
Quote:	“The present study demonstrates that impulsive behavior during adolescence is as likely to occur in the presence of threat as reward cues. We show that rather than retreating or withholding a response to threat cues, adolescents are more likely than children or adults to impulsively react to them, even when instructed not to respond. This developmental pattern is mirrored by adolescent-specific changes in limbic cortical circuitry implicated in detection and assignment of emotional value to inputs and in the subsequent regulation of responses to them.”
Elizabeth P. Shulman et al., <i>The Dual Systems Model: Review, Reappraisal, and Reaffirmation</i>, 17 Dev. Cognitive Neurosci. 103, 103 (2016). [View in NeuroLaw Library 	
Summary:	Teenage brains prioritize reward, emotion, and social pressures, while decision-making and self-control lag behind until early adulthood. This imbalance leads to increased risk-taking for pleasurable and new experiences during adolescence and early adulthood.
Quote:	“Although there are occasional exceptions to the general trends, studies show that, as predicted, psychological and neural manifestations of reward sensitivity increase between childhood and adolescence, peak sometime during the late teen years, and decline thereafter, whereas psychological and neural reflections of better cognitive control increase gradually and linearly throughout adolescence and into the early 20s.”
B. J. Casey, Aaron S. Heller, Dylan G. Gee & Alexandra O. Cohen, <i>Development of the Emotional Brain</i>, 693 Neurosci. Lett. 29, 32 (2019). [View in NeuroLaw Library 	
Summary:	Brain rewiring in adolescence changes connections between brain areas controlling cognition and emotional regulation, contributing to improved emotional self-control and social understanding through adolescence and young adulthood.
Quote:	“Together, the findings suggest that hierarchical changes in circuit connectivity appear to be critical for the continuous development of regulatory processes in emotionally charged situations from late childhood to young adulthood. These findings have important implications for legal and social policies relevant to both the protection and treatment of youth and suggest a need for rethinking specific ways in which we meet the needs of young people as they transition across these development stages and into adult societal roles.”



Dienke J. Bos, Michael Dreyfuss, Nim Tottenham, Todd A. Hare, Adriana Galván, B. J. Casey & Rebecca M. Jones, <i>Distinct and Similar Patterns of Emotional Development in Adolescents and Young Adults</i>, 62 Dev. Psychobiology 591, 597 (2020). [View in NeuroLaw Library 	
Summary:	Teenagers and young adults have greater sensitivity to emotional cues and respond significantly to negative cues such as fear.
Quote:	“In conclusion, the findings suggest protracted development of social emotional processing, showing that response speed and variability were differentially modulated by emotional information in adolescents and young adults. These findings fit with recent suggestions of circuit-based hierarchical development of emotional processing, demonstrating that in addition to adolescence, young adulthood is a developmental phase that is associated with distinct processing for emotional cues relative to older adults.”
Reward Sensitivity and Risk-Taking in Adolescence and Young Adulthood	
D. M. Walker et al., <i>Adolescence and Reward: Making Sense of Neural and Behavioral Changes amid the Chaos</i>, 37 J. Neurosci. 10855, 10856 (2017). [View in NeuroLaw Library 	
Summary:	Teenagers' increased susceptibility to rewards and to risk-taking (e.g., drugs) stems from brain changes, hormones, social interactions, and environment, potentially shaping future brain development.
Quote:	“Studies in humans and laboratory animals generally support the notion that adolescents are more sensitive to reward than adults. This is behaviorally manifest in multiple ways, including elevated levels of sensation seeking and risk-taking, as well as reduced inhibitory control, which are maximal during the early to mid-adolescent period.”
Deena M. Rudolph et al., <i>At Risk of Being Risky: The Relationship Between “Brain Age” Under Emotional States and Risk Preference</i>, 24 Dev. Cognitive Neurosci. 93, 93 (2017). [View in NeuroLaw Library 	
Summary:	The brains of teenagers have immature emotional responses, which influences how young people assess risk. 18-21-year-olds show the greatest decrease in their observed “brain age” when facing risky situations, responding more like younger individuals in those scenarios.
Quote:	“On average, that ‘brain age’ across the group during the teen years has the propensity to look younger in emotional contexts. Further, we show this phenotype (i.e. a younger brain age in emotional contexts) relates to a group mean difference in risk perception - a pattern exemplified greatest in young-adults (ages 18-21).”
Laurence Steinberg et al., <i>Around the World, Adolescence Is a Time of Heightened Sensation Seeking and Immature Self-Regulation</i>, 21 Dev. Sci. e12532, 11 (2018). [View in NeuroLaw Library 	
Summary:	This global study finds that teenage risk-taking peaks at 19, with the capacity for self-control increasing until the mid-20s. This supports the notion of universal brain development patterns in youth.
Quote:	“Generally speaking, self-regulation develops linearly and gradually over the course of adolescence, reaching a plateau somewhere during the mid-20s, whereas reward seeking follows a $\cap$ -shaped pattern, increasing between preadolescence and late adolescence, peaking around age 19, and then declining as individuals move into and through their twenties.”



Peer and Social Influences: Effects on Decision-Making	
Jason Chein et al., <i>Peers Increase Adolescent Risk Taking by Enhancing Activity in the Brain's Reward Circuitry</i>, 14 Dev. Sci. F1, F1 (2011). [View in NeuroLaw Library]	
Summary:	Peer presence increases risk-taking in adolescents by activating reward-related brain regions, as shown in an fMRI study using a simulated driving task where peers observed their performance. This pattern was not found among adults.
Quote:	“During peer observation blocks, adolescents selectively demonstrated greater activation in reward-related brain regions, including the ventral striatum and orbitofrontal cortex, and activity in these regions predicted subsequent risk taking. Brain areas associated with cognitive control were less strongly recruited by adolescents than adults, but activity in the cognitive control system did not vary with social context. Results suggest that the presence of peers increases adolescent risk taking by heightening sensitivity to the potential reward value of risky decisions.”
Leah H. Somerville, <i>The Teenage Brain: Sensitivity to Social Evaluation</i>, 22 Current Directions Psychol. Sci. 121, 125 (2013). [View in NeuroLaw Library]	
Summary:	Studies suggest teen brains react more intensely to social judgment, affecting different brain regions for emotions and social cues. This could explain why teens are especially sensitive to what others think and therefore more impacted by peer influence.
Quote:	“Convergent evidence suggests that adolescents display heightened sensitivity to social evaluation at various levels of complexity and continue to refine their capacity to represent the thoughts and feelings of others. These features of social sensitivity appear to be instantiated by robust response properties in neural circuitry important to assigning value to social-affective information during adolescence.”
M. Ambrosia et al., <i>Temptations of Friends: Adolescents' Neural and Behavioral Responses to Best Friends Predict Risky Behavior</i>, 13 Soc. Cognitive & Affective Neurosci. 483, 488-89 (2018). [View in NeuroLaw Library]	
Summary:	This study found that teens who reacted significantly—both in their behavior and in their brain activity—to their best friend's positive emotions were more likely to engage in real-world risky behaviors like substance use, fighting, or unsafe sex. Interestingly, both very high and very low sensitivity to a friend's positive emotions were linked to higher risk-taking, suggesting that either high or low thrill-seeking can set the stage for risky behavior.
Quote:	“Adolescents' combined neural response and behavioral response to their best friends' PA [positive affect]—but, tellingly, neither type of response alone—was associated with their engagement in a range of real-world risky behaviors. Surprisingly, greater engagement in risky behaviors was associated with the combination of higher neural and higher behavioral response and the combination of lower neural and lower behavioral response to best friends' positive affect.”
J. Salas-Rodríguez et al., <i>Motivated to Compete but Not to Care: The Fundamental Social Motives of Risk-Taking Behaviors</i>, 205 Pers. & Individ. Differences 112093, 4 (2023). [View in NeuroLaw Library]	
Summary:	This study found that teenagers and young adults take risks to fit in but are less risky when they feel responsible for their family. This study shows social pressure is a big reason teenagers and young adults engage in risky behavior.



Quote:	“[Our] findings show that individuals who engage in risk-taking behaviors are more motivated to seek status but less motivated towards kin care. Our findings suggest that the search for status promoted engagement in risk-taking behaviors which supports the adaptive function of risktaking as a means of attaining the respect and deference from others in adolescence and youth.”
J. J. Tielbeek et al., <i>The Association Between Delinquent Peer Affiliation and Disruptive Behavior Interacts with Functional Brain Correlates of Reward Sensitivity: A Biosocial Interaction Study in Adolescent Delinquents</i>, 54 Psychol. Med. 1544, 1548 (2024). [View in NeuroLaw Library]	
Summary:	The study found that teenagers who were more drawn to rewards were especially likely to show more disruptive behavior when they spent time with delinquent peers. In other words, being highly reward-sensitive seemed to make some adolescents more vulnerable to the influence of risky friends.
Quote:	“Our findings indicate that individual differences in neural reward processing may be linked to the sensitivity towards peer affiliation, when examining their effects on DBD [disruptive behavior disorders]. Therapeutic interventions focusing on hypersensitive adolescents may thus specifically target peer affiliation to modify the environment by withholding adolescents from negative peer influences and promoting positive, healthy peer interactions.”

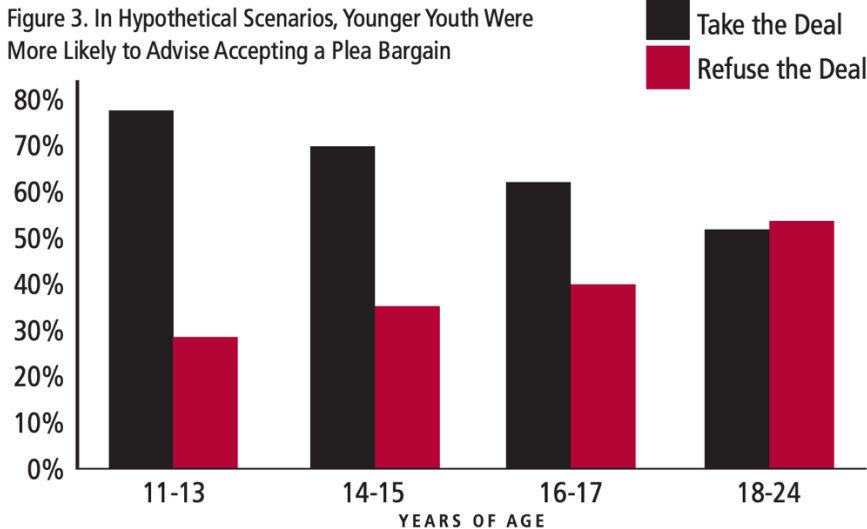
II. Academic Articles on Adolescence and Plea Bargaining

J.J. Cabell & S.C. Marsh, <i>Swing and a Miss: Reflections on the “Voluntariness” of Pleas in Juvenile Court</i>, 117 Child. & Youth Servs. Rev. 105300, 105300–03 (2020). [View on publisher site]	
Summary:	This article examines how adolescents may be more vulnerable to social pressure, limited understanding, and developmental factors when accepting plea bargains, raising concerns about whether their decisions are truly voluntary and offering recommendations to improve fairness in juvenile justice.
Quotes:	“Adolescents’ cold cognition abilities peak at around age 16 or 17, but their hot cognition abilities do not fully develop until the middle or late 20s (Prencipe et al., 2011). Adolescents who are older than 16 years of age might be able to negotiate situations with deliberate thinking, absent strong emotions (Steinberg, 2005), but they could have difficulty executing cold cognition when decisions involve strong emotional factors (Prencipe et al., 2011). Hot and cold cognition is not always a clear cut dichotomy, as situations typically requiring cold cognition sometimes evoke strong emotions (Steinberg & Icenogle, 2019) [...] Adolescent plea bargaining is another such situation which does not always fit within the dichotomy of hot and cold cognition (Icenogle et al., 2019). The plea bargain process is often fast paced and emotional (Woolard et al., 2016) – a situation that more closely resembles hot cognition [...] Similar to hot cognition, psychosocial maturity does not fully develop until the 20s (Icenogle et al., 2019). While psychosocial maturity is developing, adolescent decisions are especially influenced by feelings and social influences (Steinberg, 2004). Across three measured



	psychosocial factors (risk appraisal, future orientation, and resistance to peer influence), adolescents displayed less psychosocial maturity than adults (Grisso et al., 2003). Thus, adolescents might not have the ability to make competent legal decisions during emotionally arousing situations, especially if they are under a time constraint and social pressures not uncommon in juvenile court (Icenogle et al., 2019) [...] Finally, adolescents differ from adults in reward and risk seeking behavior due to prefrontal cortex development and differences in striatal signaling (Blakemore & Robbins, 2012; Hartley & Somerville, 2015). This asymmetrical development of the brains' reward systems leads to impulse and inhibitory control differences (Blakemore & Robbins, 2012). First, adolescents tend to have less future orientation, focusing more on short-term consequences over long-term consequences compared to adults (Steinberg, 2009). Second, although adolescents have a similar capacity to understand and evaluate risks, they are more receptive to rewards than adults (Steinberg, 2009). The likelihood to engage in risky decision-making does decrease with age (Gardner & Steinberg, 2005), developing fully into the early to midtwenties (Steinberg & Icenogle, 2019)."
MacArthur Found. Rsch. Network on Adolescent Dev. & Juv. Just., <i>Adolescent Legal Competence in Court 2</i> (Issue Brief No. 1, Sept. 2006). [View on publisher site ↗]	
Summary:	Many adolescents, particularly those under 15, lack the cognitive and emotional maturity needed to understand legal proceedings or make informed decisions in court. Findings suggest courts should consider developmental immaturity when evaluating juveniles' competence to stand trial.
Quote:	"In general, the youngest teens (aged 11–13) proved less mature in their decision making than older youth. Younger individuals, for example, were more likely to endorse decisions that comply with what an authority seemed to want as measured by their willingness to confess and plea bargain (see Figures 2 and 3). The proportion of youth who recommended confession decreased with age, from about one-half of the 11–13 year olds to only one-fifth of the 18–24 year olds (see Figure 2). (Few individuals in any age group chose to actively deny the offense.) The proportion who advised accepting a plea agreement declined from nearly three-fourths of 11–13 year olds to one-half of young adults (see Figure 3)."



Selected Figure:	Figure 3. In Hypothetical Scenarios, Younger Youth Were More Likely to Advise Accepting a Plea Bargain  <table><thead><tr><th>YEARS OF AGE</th><th>Take the Deal (%)</th><th>Refuse the Deal (%)</th></tr></thead><tbody><tr><td>11-13</td><td>78</td><td>28</td></tr><tr><td>14-15</td><td>70</td><td>35</td></tr><tr><td>16-17</td><td>62</td><td>40</td></tr><tr><td>18-24</td><td>52</td><td>53</td></tr></tbody></table>	YEARS OF AGE	Take the Deal (%)	Refuse the Deal (%)	11-13	78	28	14-15	70	35	16-17	62	40	18-24	52	53
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R.K. Helm, Valerie F. Reyna, A.A. Franz & R.Z. Novick, <i>Too Young to Plead? Risk, Rationality, and Plea Bargaining's Innocence Problem in Adolescents</i>, 24 Psychol. Pub. Pol'y & L. 180 (2018). [View on publisher site 																
Summary:	Using hypothetical plea vignettes, adolescents (defined as ages 9-17) in this study pled guilty when innocent in 32.6% of decisions, significantly more often than innocent post-college age adults (defined as 23-60) at 18.5% but not significantly more often than college-aged adults (defined as 18-22) at 28.4%. Adolescents were found to be less influenced by whether they were actually guilty or innocent, showing a much smaller shift in plea decisions based on guilt status compared to both college-aged and older adults.															
Quote:	“Adolescents were 2.47 times more likely to plead guilty when asked to assume innocence than young adults. This suggests that developmental differences in decision-making may increase the likelihood that innocent adolescents accept plea deals.”															



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Figure:

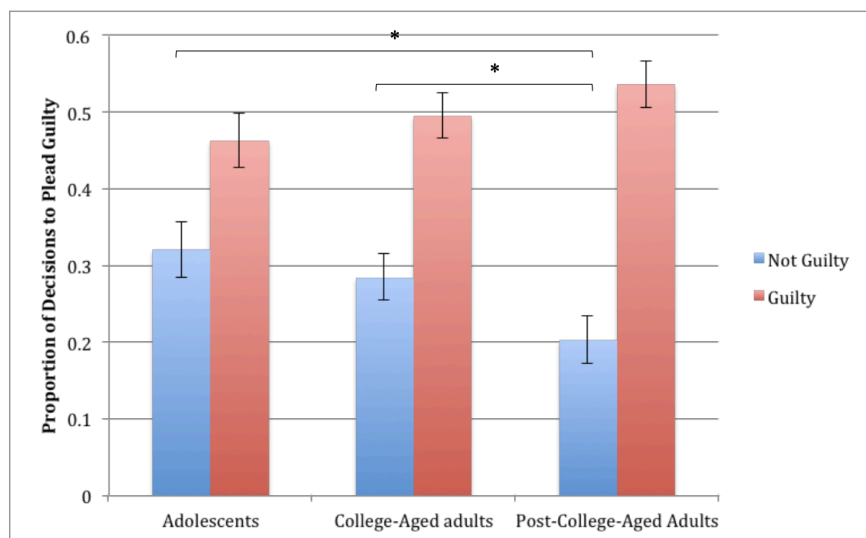


Figure 4: Significant two-way interaction between guilt and population when predicting plea decisions ($p=.009$). Error bars represent ± 1 one standard error. $*p<.05$.

T. Daftary-Kapur & T.M. Zottoli, *A First Look at the Plea Deal Experiences of Juveniles Tried in Adult Court*, 13 Int'l J. Forensic Mental Health 323, 323–36 (2014). [View on publisher site]

Summary:

Interviews with 40 juveniles offered plea deals in adult court found many had limited understanding of the plea process and their legal options. Youth often focused on short-term benefits of pleading guilty, suggesting they may face an increased risks of due-process violations.

Quote:

“Overall, our data reveal a mixed picture of the plea deal process for juvenile offenders in New York City. On the one hand, the majority of the offenders in our sample reported that their plea decisions were autonomous and most had favorable impressions of their attorneys. On the other hand, many of our participants displayed basic deficits in their understanding of plea deals and had incomplete knowledge of the options available to them (e.g., most youth did not know they could have a trial), and their decisions to accept their plea deals appear to have been overly influenced by short-term outcomes.”

T.M. Zottoli & T. Daftary-Kapur, *Guilty Pleas of Youths and Adults: Differences in Legal Knowledge and Decision Making*, 43 Law & Hum. Behav. 166, 166–79 (2019). [View on publisher site]

Summary:

Interviews with 69 adolescents and 60 adults in New York City alternative-to-incarceration programs found adults were more likely to consider long-term consequences when deciding on plea deals. Youth were less likely to think about factors like family impact, employment, prison life, trial outcomes, or having a criminal record.

Quote:

“Congruent with existing research on adolescent decision making, the youth, relative to the adults, considered fewer potential outcomes in their decision making, were less likely to contemplate negative consequences for aspects of their lives that they have yet had to experience.”



T.M. Zottoli, T. Daftary-Kapur, G.M. Winters & C. Hogan, *Plea Discounts, Time Pressures, and False-Guilty Pleas in Youth and Adults Who Plead Guilty to Felonies in New York City*, 22 Psychol. Pub. Pol'y & L. 250 (2016). [View on publisher site [↗](#)]

Summary:	Interviews with youth and adults who pleaded guilty to felonies in New York City found defendants were often offered reduced charges or sentences for pleading guilty, had little contact with attorneys, and had limited time to decide. Many also reported being innocent or overcharged.
Quote:	“These data show that plea discounts tend to be steep in NYC, that decision times (whether directly imposed by prosecutors or the result of other situational factors) can be extremely short, and that a significant number of defendants who plead guilty make claims of innocence. In our previous work, we found that a majority of the juvenile defendants we interviewed considered their guilty pleas to be voluntary (Daftary-Kapur & Zottoli, 2014), but the present findings of deep discounts and external time pressures bring into question the true voluntariness of plea decisions and speak to the need for a closer examination of the plea-bargaining process with respect to its potential to be coercive.”

J.L. Viljoen, J. Klaver & R. Roesch, *Legal Decisions of Preadolescent and Adolescent Defendants: Predictors of Confessions, Pleas, Communication with Attorneys, and Appeals*, 29 Law & Hum. Behav. 253, 273 (2005). [View on publisher site [↗](#)]

Summary:	This study examined the legal judgments of 152 defendants aged 11-17 who were detained in a pretrial detention facility in the state of Washington and found that adolescents aged 15-17 were more likely to confess, plead guilty, and accept a plea bargain if they believed there was strong evidence against them. On the other hand, legal decisions by individuals 11-14 were not predicted by the strength of evidence against them.
Quote:	“As hypothesized by judgment models (Scott et al., 1995; Steinberg & Cauffman, 1996), this study found important developmental differences in legal decision-making. Not only were preadolescent and early adolescent defendants more likely to waive legal protections, such as interrogation rights and appeals, they were less likely to be influenced by legally relevant information, specifically perceived evidence, in making legal decisions.”

III. Relevant Case Law

Foundational U.S. Supreme Court Rulings Regarding Plea Bargains

Dusky v. United States, 362 U.S. 402 (1960) [View in NeuroLaw Library [↗](#)]

The Supreme Court held that competency to stand trial requires more than basic awareness; a defendant must have a “rational as well as factual understanding of the proceedings against him” and present an

ability to “consult with his lawyer with a reasonable degree of rational understanding.” Because the record “does not sufficiently support” competency, the case was remanded for further proceedings.

Boykin v. Alabama, 395 U.S. 238 (1969) [[View in NeuroLaw Library](#)]

The Supreme Court held that a guilty plea must be voluntary and made with a full understanding of the rights being waived. It established that pleas cannot result from threats or coercion and must reflect an intentional relinquishment of constitutional rights. Because the record did not show this, the conviction was reversed.

McCarthy v. United States, 394 U.S. 459 (1969) [[View in NeuroLaw Library](#)]

The Supreme Court held that a guilty plea must be vacated if a trial judge fails to follow Rule 11 of the Federal Rules of Criminal Procedure. The Court emphasized that judges must personally ensure a defendant understands the charges, consequences, and factual basis of the plea. Noncompliance automatically entitles the defendant to plead again.

Brady v. United States, 397 U.S. 742 (1970) [[View in NeuroLaw Library](#)]

The Supreme Court held that a guilty plea is valid only if it is voluntary and a knowing, intelligent act made with sufficient awareness of the relevant circumstances and likely consequences. A plea is not invalid simply because it is influenced by the possibility of a harsher sentence.

North Carolina v. Alford, 400 U.S. 25 (1970) [[View in NeuroLaw Library](#)]

The Supreme Court held a guilty plea is valid even if the defendant maintains innocence, so long as the plea is voluntary, intelligent, and supported by strong evidence, allowing defendants to accept punishment to avoid harsher outcomes.

Bordenkircher v. Hayes, 434 U.S. 357 (1978) [[View in NeuroLaw Library](#)]

The Supreme Court held that no due process violation occurs when a prosecutor threatens and carries out more serious charges during plea bargaining if the defendant refuses to plead guilty, so long as the charges are supported by probable cause. The Court viewed this as a permissible part of plea negotiations.

Hill v. Lockhart, 474 U.S. 52 (1985) [[View in NeuroLaw Library](#)]

The Court held that the two-part *Strickland* (ineffective counsel) test applies to guilty pleas, requiring deficient performance and prejudice. A defendant must show they would have gone to trial but for counsel’s errors; In this case, Hill failed to do so.

Godinez v. Moran, 509 U.S. 389 (1993) [[View in NeuroLaw Library](#)]

The Supreme Court held that the threshold for competency to plead guilty is the same as that for trial competency as established by *Dusky v. US*. To plead guilty, an individual must therefore have “sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding” and a “rational as well as factual understanding of the proceedings against him.” Due process does not require a higher level of competency, but any waiver of rights must still be knowing and voluntary.

Padilla v. Kentucky, 559 U.S. 356 (2010) [[View in NeuroLaw Library](#)]

The Supreme Court held that defense counsel must advise noncitizen clients of deportation risks when negotiating guilty pleas, marking the first time it held a defense lawyer violated Strickland standards during plea bargaining; relief depends on showing prejudice and potential impact on the plea decision.

Lafler v. Cooper, 566 U.S. 156 (2012) [[View in NeuroLaw Library](#)]

The Supreme Court held that ineffective assistance during plea bargaining violates the Sixth Amendment when bad advice leads a defendant to reject a favorable plea and receive a harsher sentence at trial; prejudice requires showing the plea likely would have been accepted and approved by the court.

Missouri v. Frye, 132 S. Ct. 1399 (2012) [[View in NeuroLaw Library](#)]

The Supreme Court held that defense counsel must communicate formal plea offers, as failure to do so can violate the Sixth Amendment; to show prejudice, defendants must prove they would have accepted the offer and it likely would have been approved.

Foundational U.S. Supreme Court Cases Regarding Youth

In re Gault, 387 U.S. 1 (1967) [[View in NeuroLaw Library](#)]

This Supreme Court case granted due process rights to juveniles in delinquency proceedings. These rights include notice of charges, right to counsel and protection against self-incrimination.

Roper v. Simmons, 543 U.S. 551 (2005). [[View in NeuroLaw Library](#) ↗]

In *Roper v. Simmons*, the U.S. Supreme Court abolished the death penalty for youth, holding it violates the Eighth Amendment. Citing evolving standards of decency and youth development, it emphasized that juveniles are “more vulnerable or susceptible to negative influences and outside pressures, including peer pressure.”

Graham v. Florida, 560 U.S. 48 (2010). [[View in NeuroLaw Library](#) ↗]

Building on *Roper*, the Court held in *Graham v. Florida* that juveniles cannot be sentenced to life without parole for non-homicide offenses, emphasizing that “[d]evelopments in psychology and brain science continue to show fundamental differences between juvenile and adult minds.” This ruling also emphasized that juveniles “mistrust adults and have limited understandings of the criminal justice system and the roles of the institutional actors within it” and are “less likely than adults to work effectively with their lawyers to aid their defense.” Furthermore, the ruling notes that “[d]ifficulty in weighing long-term consequences; a corresponding impulsiveness; and reluctance to trust defense counsel, seen as part of the adult world a rebellious youth rejects, all can lead to poor decisions” by an adolescent defendant.

Miller v. Alabama, 567 U.S. 460 (2012). [[View in NeuroLaw Library](#) ↗]

In *Miller v. Alabama*, the U.S. Supreme Court banned mandatory life without parole for juveniles convicted of murder, requiring individualized sentencing that considers age and background, recognizing that youth “have diminished culpability and greater prospects for reform” and an “inability to assess consequences.”

J.D.B. v. North Carolina, 564 U.S. 261 (2011) [[View in NeuroLaw Library](#) ↗]

The U.S. Supreme Court held that a child’s age must be considered in Miranda custody analysis, recognizing youth affects perception of police pressure, explaining that a reasonable child subjected to police questioning may feel pressure to submit in circumstances where a reasonable adult would feel free to leave. The ruling is also significant for declaring that youth’s unique traits are legally relevant in additional areas of law, extending the rationale applied in *Roper*, *Miller*, and *Graham* beyond the sentencing context.

Selected Additional Rulings

United States v. Masters, 539 F.2d 721 (D.C. Cir. 1976) [[View in NeuroLaw Library](#) ↗]

The D.C. Circuit held that when evidence raises substantial doubt about a defendant’s mental competence, a court must hold a hearing before upholding a guilty plea. Because Masters’ low IQ and behavior suggested possible incompetence, denying a hearing violated due process, even after conviction.

In re C.S., 115 Ohio St.3d 267 (2007) [[View in NeuroLaw Library](#) ↗]

The Supreme Court of Ohio held that juvenile courts should carefully follow Juv.R. 29(D) when accepting a juvenile’s admission or waiver of rights, but a plea will still be valid if the record shows the juvenile understood the consequences of the plea and the rights being waived. Applying that standard, the Ohio Supreme Court reversed the adjudication because the juvenile’s waiver of counsel was not knowing, intelligent, and voluntary.

In re Fabian A., 106 Conn.App. 151 (2008) [[View in NeuroLaw Library](#) ↗]

An Appellate Court of Connecticut held that juvenile courts must explain pleas in age-appropriate language and ensure the juvenile substantially understands the charges, penalties, and possible extensions of commitment before accepting a plea. The Connecticut Appellate Court reversed because the juvenile was not adequately informed of the consequences of his plea or the possibility of an extended commitment.

People v. L.M., 87 Misc.3d 451 (2025) [[View in NeuroLaw Library](#) ↗]

A New York county court recognized that adolescents “prioritize immediate outcomes over long term consequences” and are more likely to comply with authority figures when deciding whether to waive rights or plead guilty, emphasizing the need for careful judicial review before accepting juvenile pleas.



IV. Relevant Amicus Briefs

Brief of Amicus Curiae National Association of Criminal Defense Lawyers in Support of Petitioner, State v. Robinson, No. 2018-001269 (S.C. Ct. App. filed 2018). [View in NeuroLaw Library 	
Summary:	Individuals who choose to exercise their Sixth Amendment right to trial face higher sentences if they invoke the right to trial and lose. This hurts young people more because their decision-making capabilities have not yet developed.
Quote:	“Young people’s decision-making capabilities are not fully developed, rendering them especially susceptible to poor decision-making in a legal context such as plea bargaining [...] Even under normal circumstances, juveniles have difficulty making informed decisions because they have not yet achieved the ‘greater future orientation, better risk perception, and less susceptibility to peer influence’ that comes with adulthood. In certain legal contexts, which inherently involve more pressure and stress, those immaturities are exacerbated, making adolescents ‘vulnerable to poor decision making.’ On the other hand, adults who better understand their situations may take the opportunity to plead to a lesser sentence by throwing younger, often less culpable, individuals under the bus.” (Page 14)
Brief of Loyola Civitas Law Center, Children and Family Justice Center, Juvenile Law Center, and National Juvenile Defender Center as Amici Curiae in Support of Petitioner-Appellant Austin M., State v. Austin M., No. 111194 (Ill. Mar. 31, 2011). [View in NeuroLaw Library 	
Summary:	The constitutionally mandated right to counsel for juveniles charged with crimes is incompatible with representation by a guardian ad litem.
Quote:	“Furthermore, overreliance on pleas may stem from counsel’s failure to appropriately investigate the case, which, as discussed above, can result from counsel acting as both GAL [Guardian <i>ad litem</i>] and counsel. A thorough investigation provides the defense attorney ammunition when entering plea negotiations with the prosecutor. When counsel deems the investigation irrelevant, it is unsurprising that false guilty pleas result, as juvenile clients may be encouraged to plead guilty out of a sense of hopelessness. Drizin & Luloff, <i>supra</i> , at 292. The GAL’s preconceived views about a client’s guilt, or preconceived view that the child’s need for services trumps consideration of his actual guilt or innocence, exacerbates this risk.”
Brief of Juvenile Law Center as Amici Curiae, The Philadelphia Community Bail Fund v. Arraignment Court Magistrates of the First Judicial District of the Commonwealth of Pennsylvania, No. 21 EM 2019 (Pa. E.D.). [View in NeuroLaw Library 	
Summary:	Youth should receive a presumption of indigence to secure pretrial release. Youth cannot afford bail, are at risk of grave harm due to their developmental immaturity, and are at risk of coerced guilty pleas and pretrial detention.
Quote:	“When faced with the option to plead guilty and escape the trauma of adult jail, youth, with a developmental proclivity to value immediate rewards over long-term consequences, will be too likely to plead guilty to obtain immediate relief without properly accounting for the long-term harms of such a plea, including incarceration.” (11-12)
Brief of Amici Curiae Juvenile Law Center, The Promise of Justice Initiative, and Children and Family Justice Center in Support of Petitioner, Newton v. Indiana, No. 17-1511 (U.S. Feb. 20, 2018). [View in NeuroLaw Library 	
Summary:	Plea decisions weighing a death sentence against a sentence to die in prison are of the highest stakes, confounding a teenager’s ability to make a well-reasoned judgment and creating a coercive plea negotiation situation.
Quote:	“As a teenager, his decision was impaired by his diminished cognitive ability to weigh the costs and benefits, risk versus reward, of taking the plea—for example, how likely it would be that



he would prevail at trial or what it would really be like to spend the rest of his life in prison—or to properly consider its long-term consequences.” (5)
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V. Additional Resources

- [*Montclair State University's Attorney Resource Guide: Youth and Plea Bargaining \(2025\)*](#)
- [Juvenile Competency Attainment Research & Development Center's Webpage on Plea Bargaining](#)