

**State v. Samuel Ryan, 249 N.J. 581 (2022)**

In State v. Ryan, the Supreme Court issued a decision that interpreted New Jersey's "Three Strikes Law" and held that offenses committed by a defendant while under the age of 18 may count as predicate offenses under the state's Three Strikes Law, which mandates a sentence of life imprisonment without parole for a third-time offender.

In the winter of 1996, defendant Samuel Ryan robbed a Bridgeton, New Jersey gas station, stole \$100 and shot the gas station clerk during the robbery. This would be Mr. Ryan's third first-degree robbery conviction. He was sentenced to life in prison without parole pursuant to the "Three Strikes Law." Notably, his first "strike" was a pair of first-degree armed robberies that were prosecuted jointly and occurred when the defendant was a sixteen-year-old juvenile. The defendant was prosecuted concurrently as an adult for both crimes. His second strike occurred in February 1996, three years after he was released on parole, when he, along with a co-defendant, stole cigarettes, food stamps, and \$243 from a Wawa in Vineland. Three weeks later, he robbed the Bridgeton gas station, his third strike.

The state's application to sentence Mr. Ryan to an extended term pursuant to the Three Strikes Law, based on his 1990 convictions, the Wawa robbery conviction, and the gas station armed robbery and attempted murder convictions, was granted. Mr. Ryan was given concurrent mandatory life sentences without parole. He then appealed his convictions and sentence and argued that the mandatory sentence of life without parole imposed under the Three Strikes Law was cruel and unusual punishment. The NJ Appellate Division affirmed his convictions and life sentences without parole. Mr. Ryan was subsequently denied his petition for certification. After filing eleven post-conviction relief (PCR) petitions between 1999 and 2012, which proved unsuccessful, he filed a twelfth PCR petition, a motion to correct an illegal sentence. The trial

court denied the motion and the Appellate Division affirmed. However, the Supreme Court granted his petition for certification.

The issue the Supreme Court granted certification on was whether a defendant's prior juvenile age conviction counts as a predicate offense under the Three Strike Law, which mandates life imprisonment without parole for a third time offender, and whether counting the juvenile conviction as a predicate offense is cruel and unusual punishment.

The Court held that the Three Strikes Law and the mandatory life sentence without parole do not violate the constitutional prohibition on cruel and unusual punishment. Furthermore, the court held that the Three Strikes Law allows counting an offense committed as a juvenile as a strike, because otherwise the Legislature would have included an exclusion for juveniles.

Both the U.S. Constitution and the New Jersey State Constitution require a three-part test to determine whether punishment is cruel and unusual. The prongs of the test are: (1) whether the punishment for the crime conforms with contemporary standards of decency; (2) whether the punishment is grossly disproportionate to the offense; and (3) whether the punishment goes beyond what is necessary to accomplish any legitimate penological objective. The NJ Three Strike Law was aimed at protecting the public from offenders who repeatedly commit serious offenses. After using the three-part test, this Court upheld the constitutionality of the Three Strikes Law in an earlier case, *State v. Oliver*. In 2021, in *Miller v. Alabama*, the Supreme Court of the United States held that mandatory life without parole sentences constituted cruel and unusual punishment when imposed on juvenile offenders but left discretion up to the judge to consider factors of youth and did not foreclose imposing such a sentence.

The majority opinion, written by Justice Solomon, uses the three part-test to find that: (1) most states with similar three-strikes legislation count juvenile convictions where the defendant

was waived up to adult court for adjudication which means that the legislation conforms to contemporary standards of decency; (2) where an offense is something as dangerous and violent as armed robbery or attempted murder, an enhanced life without parole sentence is not grossly disproportionate; and (3) the punishment serves the legitimate penological objective of incapacitating serious third-time offenders like the defendant here who was undeterred by previous incarceration as shown by the increased violence of his crimes. Justice Solomon finds that all three elements are met and therefore the defendant's sentence does not constitute cruel and unusual punishment within the meaning of the Federal or State Constitution. The majority finds Mr. Ryan's reliance on *Miller* to be unavailing, because that case concerned sentencing of juveniles, while this case involves the sentencing of an adult. Furthermore, it is unconvinced that the Legislature could not have intended to allow juvenile-age offenses to be considered under the Three Strikes Law because they limited the definition of recidivists under the NJ persistent offender statute to defendants over twenty-one who committed their three qualifying crimes after turning eighteen. The majority points out that what this argument actually does is show that if the Legislature had meant to exclude juvenile offenses from the Three Strike Law, it would have included an age limitation in the statute, as it did in the persistent offender statute.

Justice Albin dissented, joined by Justice Pierre-Louis, writing that the Court's holding is incompatible with recent decisions decided by this court including *State v. Comer/State v. Zarate* where this Court found that children are different from adults because they lack maturity, can be impetuous and are more susceptible to pressure from others. In those cases, this same court held that the lengthy mandatory life without parole sentence imposed against Comer and Zarate's juvenile murder convictions were cruel and unusual under the State Constitution. The dissent points out that Mr. Ryan's juvenile conviction is being given the same constitutional weight as

his adult convictions which is at odds with the “evolving standards of decency” regarding juvenile crimes. The dissent further believes that judges should not be denied discretion in determining whether a juvenile conviction can be a predicate offense under the Three Strikes Law.