

+++++

Capital Punishment Trials of Youthful Offenders: The Impact of ACEs Mitigation

[Sondra J. Fogel](#) — —, [Beth Bjerregaard](#), [...], and [M. Dwayne Smith](#)¹[View all authors and affiliations](#)

[OnlineFirst](#)

<https://doi.org/10.1177/0044118X231165817>

Abstract

In the 2005 *Roper v. Simmons* decision, the Supreme Court determined that capital punishment, the death penalty, was not appropriate for offenders under the age of 18.

The Court accepted the argument that juveniles are less blameworthy than adult offenders due to differences in their cognitive abilities and the influence of factors outside of their control, such as household dysfunction or the existence of adverse childhood experiences (ACEs).

Recent empirical literature examining both brain development and the impact of ACEs on both brain maturity and offending behaviors demonstrates that brain maturation and psychosocial maturation continue into the mid-twenties.

As a result, youthful offenders, those 18 to 24 of age, may possess many of the neuropsychological deficiencies attributed to juveniles and yet be sentenced to death.

This research examines if juries of capital punishment trials recognize the impact of age and ACEs when determining their sentencing decision.

References

Acker J. R., Lanier C. S. (1994). In fairness and mercy: Statutory mitigating factors in capital punishment laws. *Criminal Law Bulletin*, 30(4), 299–345.

[Google Scholar](#)

Al'Absi M., Ginty A. T., Lovallo W. R. (2021). Neurobiological mechanisms of early life adversity, blunted stress reactivity and risk for addiction. *Neuropharmacology*, 188, 108519. <https://doi.org/10.1016/j.neuropharm.2021.108519>

[Google Scholar](#)

Andrews A. B. (1991). Social work expert testimony regarding mitigation in capital sentencing proceedings. *Social Work*, 36, 440–445.

[Google Scholar](#)

Andrews A. B. (2012). American Bar Association supplementary guidelines for the mitigation function of defense teams in death penalty cases: Implications for Social Work. *Social Work*, 57(2), 155–164.

[Crossref](#)

[PubMed](#)

[Google Scholar](#)

Arain M., Haque M., Johal L., Mathur P., Nel W., Rais A., Sandhu R., Sharma S. (2013). Maturation of the adolescent brain. *Neuropsychiatric Disease and Treatment*, 9, 449–461.

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Atkinson J. (2013). *Trauma-informed services and trauma-specific care for Indigenous Australian children (Closing the gap Clearinghouse Resource 21)*. Australian Institute of Health and Welfare.

[Google Scholar](#)

Baglivio M. T., Jackowski K., Greenwald M. A., Howell J. C. (2014). Serious, violent, and chronic juvenile offenders: A statewide analysis of prevalence and prediction of subsequent recidivism using risk and protective factors. *Criminology & Public Policy*, 13(1), 83–116. <https://doi.org/10.1111/1745-9133.12064>

[Google Scholar](#)

Baglivio M. T., Wolff K. T., Piquero A. R., Epps N. (2015). The relationship between adverse childhood experiences (ACE) and juvenile offending trajectories in a juvenile offender sample. *Criminal Justice Journal*, 43(3), 229–241. <https://doi.org/10.1016/j.jcrimjus.2015.04.012>

[Google Scholar](#)

Barnett M. E., Brodsky S. L., Davis C. M. (2004). When mitigation evidence makes a difference: Effects of psychological mitigating evidence on sentencing decisions in capital trials. *Behavioral Sciences & the Law*, 22, 751–770.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Barnett M. E., Brodsky S. L., Price J. R. (2007). Differential impact of mitigating evidence in capital case sentencing. *Journal of Forensic Psychology Practice*, 7(1), 39–45.

[Crossref](#)

[ISI](#)

[Google Scholar](#)

Bellis M. A., Lowey H., Leckenby N., Hughes K., Harrison D. (2014). Adverse childhood experiences: Retrospective study to determine their impact on adult health behaviours and health outcomes in a UK population. *Journal of Public Health*, 36, 81–91.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Benekos P. J., Merlo A. V. (2019). A decade of change: Roper v. Simmons, defending childhood, and juvenile justice policy. *Criminal Justice Policy Review*, 30(1), 102–127.

[Crossref](#)

[Google Scholar](#)

Bentele U., Bowers W. J. (2001). How jurors decide on death: Guilt is overwhelming; aggravation requires death; and mitigation is no excuse. *Brooklyn Law Review*, 66(4), 1011–1080.

[Google Scholar](#)

Bigler E. D. (2021). Charting brain development in graphs, diagrams, and figures from childhood, adolescence, to early adulthood: Neuroimaging implications for neuropsychology. *Journal of Pediatric Neuropsychology*, 7, 27–54.

[Crossref](#)

[Google Scholar](#)

Bjerregaard B., Smith M. D., Fogel S. J., Palacios W. R. (2010). Alcohol and drug mitigation in capital murder trials: Implications for sentencing decisions. *Justice Quarterly*, 27(4), 517–537. <https://doi.org/10.1080/07418820903051623>

[Google Scholar](#)

Blume J. H., Freedman H. L., Vann L. S., Hritz A. (2020). Death by numbers: Why evolving standards compel extending *Roper's* categorical ban against executing juveniles from eighteen to twenty-one. *Texas Law Review*, 98(5), 921–952.

[Google Scholar](#)

Blume J. H., Johnson S. L., Sundby S. E. (2008). Competent capital representation: The necessity of knowing and heeding what jurors tell us about mitigation. *Hofstra Law Review*, 36, 1035–1066.

[Google Scholar](#)

Boullier M., Blair M. (2018). Adverse childhood experiences. *Pediatrics and Child Health*, 28(3), 132–137.

[Crossref](#)

[Google Scholar](#)

Brame R., Paternoster R., Mazerolle P., Piquero A. (1998). Testing for the equality of maximum likelihood regression coefficients between two independent equations. *Journal of Quantitative Criminology*, 14(3), 245–261.

[Crossref](#)

[ISI](#)

[Google Scholar](#)

Brewer T. W. (2004). Race and jurors' receptivity to mitigation in capital cases: The effect of jurors', defendants', and victims' race in combination. *Law and Human Behavior*, 28, 529–545.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Brief for American Psychological Association. (2012). American Psychiatric Association, and National Association of Social Workers as Amici Curiae supporting Respondents Evan Miller and Kuntrell Jackson, *Miller v. Alabama*, 132 S. Ct. 2455 (No. 10-9649, 10-9647).

[Google Scholar](#)

Brief for the Juvenile Law Center. (2010). National Juvenile Defender Center, Children and Family Justice Center, et al. as Amici Curiae in Support of Petitioner Terrance Jamar Graham, *Graham v. Florida*, 560 U.S. 48 (No. 08-7412, 08-7621).

[Google Scholar](#)

Brindle R. C., Pearson A., Ginty A. T. (2022). Adverse childhood experiences (ACEs) relate to blunted cardiovascular and cortisol reactivity to acute laboratory stress: A systematic review and meta-analysis. *Neuroscience and Biobehavioral Reviews*, 134, 1–11. <https://doi.org/10.1016/j.neubiorev.2022.104530>

[Google Scholar](#)

Brown L. L., McGee S. G. (2018). Social work and capital punishment: A call to action. *Journal of Human Rights and Social Work*, 3, 229–239. <https://doi.org/10.1007/s41134-018-0062-7>

[Google Scholar](#)

Casey B. J. (2015). Beyond simple models of self-control to circuit-based accounts of adolescent behavior. *Annual Review of Psychology*, 66, 295–319.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Casey B. J., Bonnie R. J., Davis A., Faigman D. L., Hoffman M. B., Jones O. D., Montague R., Morse S. J., Raichle M. E., Richeson J. A., Scott E. S., Steinberg L., Taylor-Thompson K., Wagner A. (2017). How should justice policy treat young offenders? Faculty Scholarship at Penn Law (p. 1744).

[Google Scholar](#)

Casey B. J., Getz S., Galvan A. (2008). The adolescent brain. *Developmental Review*, 28(1), 62–77.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Casey B. J., Simmons C., Somerville L. H., Baskin-Sommers A. (2022). Making the sentencing case: Psychological and neuroscientific evidence for expanding the age of youthful offenders. *Annual Review of Criminology*, 5(1), 321–343.

[Crossref](#)

[Google Scholar](#)

Cauffman E., Steinberg L. (2000). (Im)maturity of judgment in adolescence: Why adolescents may be less culpable than adults. *Behavioral Sciences & the Law*, 18, 741–760.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Chein J., Albert D., O'Brien L., Uckert K., Steinberg L. (2011). Peers increase adolescent risk taking by enhancing activity in the brain's reward circuitry. *Developmental Science*, 14(2), F1–10.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Cohen A. O., Bonnie R. J., Taylor-Thompson K., Casey B. J. (2016). When does a juvenile become an adult? Implications for law and policy. *Temple Law Review*, 88, 769–788.

[Google Scholar](#)

Craig J. M., Piquero A. R., Farrington D. P., Ttofi M. M. (2017). A little early risk goes a long bad way: Adverse childhood experiences and life-course offending in the Cambridge study. *Criminal Justice Journal*, 53, 34–45. <https://doi.org/10.1016/j.jcrimjus.2017.09.005>

[Google Scholar](#)

Duke N. N., Pettingell S. L., McMorris B. J., Borowsky I. W. (2010). Adolescent violence perpetration: Associations with multiple types of adverse childhood experiences. *Pediatrics*, 125, 778–786.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Eddings v. Oklahoma. (1982). 455 U.S. 104.

[Google Scholar](#)

Edens J. F., Buffington-Vollum J. K., Keilen A., Roskamp P., Anthony C. (2005). Predictions of future dangerousness in capital murder trials: Is it time to “disinvent the wheel? *Law and Human Behavior*, 29(1), 55–86.

[Crossref](#)

[PubMed](#)

[Google Scholar](#)

Feld B. C. (2008). A slower form of death: Implications of *Roper v. Simmons* for juveniles sentenced to life without parole. *Notre Dame Journal of Law, Ethics & Public Policy*, 22, 9–65.

[Google Scholar](#)

Feld B. C. (2013). Adolescent criminal responsibility, proportionality, and sentencing policy: *Roper*, *Graham*, *Miller/Jackson*, and the youth discount. *Law and Inequity*, 31, 263–330.

[Google Scholar](#)

Felitti V. J., Anda R. F., Nordenberg D., Williamson D. F., Spitz A. M., Edwards V., Koss M. P., Marks J. S. (1998). Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults, The Adverse Childhood Experiences (ACE) Study. *American Journal of Preventative Medicine*, 14, 245–258.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Fox B. H., Perez N., Cass E., Baglivio M. T., Epps N. (2015). Trauma changes everything: Examining the relationship between adverse childhood experiences and serious, violent, and chronic juvenile offenders. *Child Abuse & Neglect*, 46, 163–173. <https://doi.org/10.1016/j.chiabu.2015.01.011>

[Google Scholar](#)

Garvey S. P. (1998). Aggravation and mitigation in capital cases: What do jurors think? *Columbia Law Review*, 98(6), 1538–1576.

[Crossref](#)

[ISI](#)

[Google Scholar](#)

Gasperetti M. A. (2022). Crime and punishment: An empirical study of the effects of racial bias on capital sentencing decisions. *University of Miami Law Review*, 76(2), 525–611.

[Google Scholar](#)

Gillespie L. K., Smith M. D., Bjerregaard B., Fogel S. J. (2014). Examining the impact of proximate culpability mitigation in capital punishment sentencing recommendations: The influence of mental health mitigators. *American Journal of Criminal Justice*, 39, 698–715. <https://doi.org/10.1007/s12103-014-9255-5>

[Google Scholar](#)

Goddard A. (2021). Adverse childhood experiences and trauma-informed care. *Journal of Pediatric Health Care*, 35, 145–155. <https://doi.org/10.1016/j.pedhc.2020.09.001>

[Google Scholar](#)

Graf G. H., Chihuri S., Blow M., Li G. (2021). Adverse childhood experiences and justice system contact: A systematic review. *Pediatrics*, 147(1), 1–13. <https://doi.org/10.1542/peds.2020-021030>

[Google Scholar](#)

Graham v. Florida. (2010). 560 U.S. 48.

[Google Scholar](#)

Gregg v. Georgia. (1976). 428 U. S. 153.

[Google Scholar](#)

Grisso T. (2002). Using what we know about child maltreatment and delinquency. *Children's Services*, 5, 299–305.

[Crossref](#)

[Google Scholar](#)

Grisso T., Kavanaugh A. (2016). Prospects for developmental evidence in juvenile sentencing based on *Miller v. Alabama*. *Psychology Public Policy and Law*, 22(3), 235–249.

[Crossref](#)

[Google Scholar](#)

Gur R. C. (2021). Development of brain behavior integration systems related to criminal culpability from childhood to young adulthood: Does it stop at 18 years? *Journal of Pediatric Neuropsychology*, 7, 55–65. <https://doi.org/10.1007/s40817-021-00101-1>

[Google Scholar](#)

Haney C. (1995). Social context of capital murder: Social histories and the logic of mitigation. *Santa Clara Law Review*, 35(2), 547–610.

[Google Scholar](#)

Herzog J. I., Schmahl C. (2018). Adverse childhood experiences and the consequences on neurobiological, psychosocial, and somatic conditions across the lifespan. *Frontiers in Psychiatry*, 9, 1–8.

[Crossref](#)

[PubMed](#)

[Google Scholar](#)

Irwin C. E. Jr. (1993). Adolescence and risk taking: How are they related. In Bell N. J. Jr, Bell R. W. (Eds.), *Adolescent risk taking* (pp. 7–28). SAGE Publications, Inc.

[Google Scholar](#)

Johnson S. B., Blum R. W., Giedd J. N. (2009). Adolescent maturity and the brain: The promise and pitfalls of neuroscience research in adolescent health policy. *Journal of Adolescent Health*, 45(3), 216–221.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Jones v. Mississippi. (2021). 141 S.Ct. 1307.

[Google Scholar](#)

Kolb B., Gibb R. (2011). Brain plasticity and behaviour in the developing brain. *Journal of the Canadian Academy of Child and Adolescent Psychiatry*, 20(4), 265–276.

[PubMed](#) [Google Scholar](#)

Logan D. D. (1989). Is it mitigation or aggravation? Troublesome areas of defense evidence in capital sentencing. *Forum*, 16(5), 14–20.

[Google Scholar](#)

Malvaso C. G., Cale J., Whitten T., Day A., Singh S., Hackett L., Delfabbro P. H., Ross S. (2022). Associations between adverse childhood experiences and trauma among young people who offend: A systematic literature review. *Trauma Violence & Abuse*, 23, 1677–1694. <https://doi.org/10.1177/15248380211013132>

[Google Scholar](#)

Matusiak M. C., Vaughn M. S., Carmen R. V. D. (2014). The progression of “evolving standards of decency” in U.S. Supreme Court decisions. *Criminal Justice Review*, 39(3), 253–271.

[Crossref](#)

[Google Scholar](#)

McEwen C. A., Gregerson S. F. (2019). A critical assessment of the adverse childhood experiences study at 20 years. *American Journal of Preventive Medicine*, 56(6), 790–794.

[Crossref](#)

[PubMed](#)

[Google Scholar](#)

McKoy v North Carolina. (1990). 494 U.S. 433.

[Google Scholar](#)

McLaughlin K. A., Sheridan M. A., Lambert H. K. (2014). Childhood adversity and neural development: Deprivation and threat as distinct dimensions of early experience. *Neuroscience and Biobehavioral Reviews*, 47, 578–591.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

McPherson S. B. (1995). Psychosocial investigation in death penalty mitigation: Procedures, pitfalls, and impact. In Davies G., Lloyd-Bostock S., McMurrin M., Wilson C. (Eds.), *Psychology, law and criminal justice: international developments in research and practice* (pp. 286–295). Walter De Gruyter.

[Google Scholar](#)

Menard S. (2002). *Applied logistic regression analysis* (Vol. 106, 2nd ed.). SAGE Publications.

[Crossref](#)

[Google Scholar](#)

Mersky J. P., Topitzes J., Reynolds A. J. (2012). Unsafe at any age: Linking childhood and adolescent maltreatment to delinquency and crime. *Journal of Research in Crime and Delinquency*, 49(2), 295–318. <https://doi.org/10.1177/0022427811415284>

[Google Scholar](#)

Miley L. N., Heiss-Moses E., Cochran J. K., Heide K. M., Fogel S. J., Smith M. D., Bejerregaard B. J. (2020). An examination of the effects of mental disorders as mitigating factors on capital sentencing outcomes. *Behavioral Sciences & the Law*, 38(4), 381–405. <https://doi.org/10.1002/bsl.2477>
[Google Scholar](#)

Miller v. Alabama. (2012). 132 S. Ct. 2455.
[Google Scholar](#)

Montgomery v. Louisiana. (2016). 577 U.S. N.C. Rural Economic Development Center, Inc. (2012). Rural/urban Counties in North Carolina. http://www.ncruralcenter.org/index.php?option=com_content&view=article&id=75&Itemid=126
[Google Scholar](#)

North Carolina General Statutes § 15A-2000. (2021). Article 100. Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence. https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_15A/GS_15A-2000.pdf.
[Google Scholar](#)

Oral R., Ramirez M., Coohy C., Nakada S., Walz A., Kuntz A., Benoit J., Peek-Asa C. (2016). Adverse childhood experiences and trauma informed care: The future of health care. *Pediatric Research*, 79(1-2), 227–233.
[Crossref](#)
[PubMed](#)
[Google Scholar](#)

Perlin M. L., Lynch A. J. (2021). Some mother's child has gone astray": Neuroscientific approaches to a therapeutic jurisprudence model of juvenile sentencing. *Family Court Review*, 59(3), 478–490. <https://doi.org/10.1111/fcre.12589>
[Google Scholar](#)

Perry B. D. (2009). Examining child maltreatment through a neurodevelopmental lens: Clinical applications of the neurosequential model of therapeutics. *Journal of Loss and Trauma*, 14, 240–255.
[Crossref](#)
[ISI](#)
[Google Scholar](#)

Perry B. D., Griffin G., Davis G., Perry J. A., Perry R. D. (2018). The impact of neglect, trauma, and maltreatment on neurodevelopment: Implications for juvenile justice practice, programs, and policy. In Beech A. R., Carter A. J., Mann R. E., Rotshtein P. (Eds.), *The Wiley Blackwell handbook of forensic neuroscience* (pp. 815–835). Wiley Blackwell.
[Crossref](#)
[Google Scholar](#)

Ports K. A., Ford D. C., Merrick M. T., Guinn A. S. (2020). ACEs: Definitions, measurement, and prevalence. In Asmundson G. J. G., Afifi T. O. (Eds.), *Adverse childhood experiences* (pp. 17–34). Academic Press.

[Crossref](#)

[Google Scholar](#)

R Core Team. (2021). *R: A language and environment for statistical computing*. R Foundation for Statistical Computing. <https://www.R-project.org/>

[Google Scholar](#)

Richards T. N., Smith M. D., Jennings W. G., Bjerregaard B., Fogel S. J. (2014). An examination of defendant sex disparity in capital sentencing: A propensity score matching approach. *American Journal of Criminal Justice*, 39, 681–697. <https://doi.org/10.1007/s12103-014-9253-7>

[Google Scholar](#)

Roper v. Simmons. (2005). 543 U.S. 551.

[Google Scholar](#)

Rudolph M. D., Miranda-Domínguez O., Cohen A. O., Breiner K., Steinberg L., Bonnie R. J., Scott E. S., Taylor-Thompson K., Chein J., Fettich K. C., Richeson J. A., Dellarco D. V., Galván A., Casey B. J., Fair D. A. (2017). At risk of being risky: The relationship between “brain age” under emotional states and risk preference. *Developmental Cognitive Neuroscience*, 24, 93–106.

[Crossref](#)

[PubMed](#)

[Google Scholar](#)

Ryberg J. (2014). Punishing Adolescents—On immaturity and diminished responsibility. *Neuroethics*, 7, 327–336.

[Crossref](#)

[ISI](#)

[Google Scholar](#)

Sawyer S. M., Azzopardi P. S., Wickremarathne D., Patton G. C. (2018). The age of adolescence. *Lancet Child and Adolescent Health*, 2, 223–228.

[Crossref](#)

[PubMed](#)

[Google Scholar](#)

Schiraldi V., Western B., Bradner K. (2015). *Community-based responses to justice-involved young adults. New thinking in community corrections bulletin*. U.S. Department of Justice, National Institute of Justice.

[Google Scholar](#)

Schroeder J., Guin C. C., Pogue R., Bordelon D. (2006). Mitigating circumstances in death penalty decisions: Using evidence-based research to inform social work practice in capital trials. *Social Work*, 51(4), 355–364.

[Crossref](#)

[PubMed](#) [ISI](#) [Google Scholar](#)

Scott E. S., Bonnie R. J., Steinberg L. (2016). Young adulthood as a transitional legal category: Science, social change, and justice policy. *Fordham Law Review*, 85(2), 641–666.

[Google Scholar](#)

Scott E. S., Steinberg L. (2008). Adolescent development and the regulation of youth crime. *The Future of Children*, 18(2), 15–33.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Segeren M., Fassaert T., de Wit M., Grimbergen C., Popma A. (2020). The relationship between adverse childhood experiences and self-sufficiency problems in early adulthood among violent offenders. *Child Abuse & Neglect*, 101, 104354. <https://doi.org/10.1016/j.chiabu.2019.104354>

[Google Scholar](#)

Shapiro M. (2008). An overdose of dangerousness: How ‘Future Dangerousness’ captures the least culpable capital defendants and undermines the rationale for the executions it supports. *American Journal of Criminal Law*, 35(2), 145–200.

[Google Scholar](#)

Sondheimer J. N. (1990). A continuing source of aggravation: The improper consideration of mitigating factors in death penalty sentencing. *The Hastings Law Journal*, 41(2), 409–446.

[Google Scholar](#)

Sowell E. R., Thompson P. M., Holmes C. J., Jernigan T. L., Toga A. W. (1999). In vivo evidence for post-adolescent brain maturation in frontal and striatal regions. *Nature Neuroscience*, 2, 859–861.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Stanford v. Kentucky. (1989). 492 U.S. 361.

[Google Scholar](#)

Steinberg L., Scott E. S. (2003). Less guilty by reason of adolescence: Developmental immaturity, diminished responsibility, and the juvenile death penalty. *American Psychologist*, 58(12), 1009–1018.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Stetler R. (2007). The mystery of mitigation: What jurors need to make a reasoned moral response in capital sentencing. *University of Pennsylvania Journal of Law and Social Change*, 11, 237–260. [Google Scholar](#)

Stetler R. (2018). The past, present, and future of the mitigation profession: Fulfilling the constitutional requirement of individualized sentencing in capital cases. *Hofstra Law Review*, 46(4), 1161–1256.

[Google Scholar](#)

Stewart T. (2021). Capital punishment of young adults in light of evolving standards of science and decency: Why Ohio should raise the minimum age for death penalty eligibility to twenty-five (25). *Cleveland State Law Review*, 70(1), 91–119.

[Google Scholar](#)

Taillieu T. L., Davila I. G., Struck S. (2020). ACEs and violence in adulthood. In Asmundson G. J. G., Afifi T. O. (Eds.), *Adverse childhood experiences* (pp. 119–142). Academic Press.

[Crossref](#)

[Google Scholar](#)

Teague R., Mazerolle P., Legosz M., Sanderson J. (2008). Linking childhood exposure to physical abuse and adult offending: Examining mediating factors and gendered relationships. *Justice Quarterly*, 25, 313–348.

[Crossref](#)

[ISI](#)

[Google Scholar](#)

Teicher M. H., Samson J. A., Anderson C. M., Ohashi K. (2016). The effects of childhood maltreatment on brain structure, function, and connectivity. *Nature Reviews Neuroscience*, 17, 652–666.

[Crossref](#)

[PubMed](#)

[ISI](#)

[Google Scholar](#)

Tetterton V. S., Brodsky S. L. (2007). More is sometimes better: Increased mitigating evidence and sentencing leniency. *Journal of Forensic Psychology Practice*, 7(3), 79–85.

[Crossref](#)

[ISI](#)

[Google Scholar](#)

Thompson v. Oklahoma. (1988). 487 U.S. 815.

[Google Scholar](#)

Turlington S. (2008). Completely unguided discretion: Admitting non-statutory aggravating and non-statutory mitigating evidence in capital sentencing trials. *Pierce Law Review*, 6(3), 469–484.

[Google Scholar](#)

Van Duin L., De Vries Robbé M., Marhe R., Bevaart F., Zijlmans J., Luijckx M.-J. A., Doreleijers T. A. H., Popma A. (2021). Criminal history and adverse childhood experiences in relation to recidivism and social functioning in multi-problem young adults. *Criminal Justice and Behavior*, 48(5), 637–654. <https://doi.org/10.1177/0093854820975455>

[Google Scholar](#)

Vaughan T. J., Bell Holleran L. (2023). Adverse childhood experiences in capital sentencing: A focal concerns approach to understanding capital juror leniency. *Justice Quarterly*, 40(2), 187–210. <https://doi.org/10.1080/07418825.2022.2038242>
[Google Scholar](#)

Wayland K. (2008). The importance of recognizing trauma through capital mitigation investigations and presentations. *Hofstra Law Review*, 36(3), 923–962.
[Google Scholar](#)

Weder N., Kaufman J. (2011). Critical periods revisited: Implications for intervention with traumatized children. *Journal of the American Academy of Child and Adolescent Psychiatry*, 50(11), 1087–1089. <https://doi.org/10.1016/j.jaac.2011.07.021>
[Google Scholar](#)

Williams A. (2020). Early childhood trauma impact on adolescent brain development, decision making abilities, and delinquent behaviors: Policy implications for juveniles tried in adult court systems. *Juvenile and Family Court Journal*, 71(1), 5–17.
[Crossref](#)
[Google Scholar](#)

Wolff K. T., Baglivio M. T., Piquero A. R. (2017). The relationship between adverse childhood experiences and recidivism in a sample of juvenile offenders in community-based treatment. *International Journal of Offender Therapy and Comparative Criminology*, 61, 1210–1242.
[Crossref](#)
[PubMed](#)
[ISI](#)
[Google Scholar](#)

Biographies

Sondra J. Fogel is an Associate Professor and Chair of the PhD program in the School of Social Work at the University of South Florida. Her areas of research include examining issues associated with capital punishment and the vulnerabilities of returning citizens, and those experiencing homelessness or housing insecurity.

Beth Bjerregaard is Professor in the Department of Criminal Justice & Criminology at the University of North Carolina-Charlotte. Her research interests include capital punishment and gang membership, and other areas of criminal justice.

John K. Cochran is Professor and Chair in the Department of Criminology at the University of South Florida. His areas of research interest are testing theories of crime and criminal behavior and examining issues associate with the death penalty.

M. Dwayne Smith is a Professor in the Department of Criminology at the University of South Florida. He has published numerous articles and book chapters on crime and criminal justice topics, focusing especially on homicide and capital punishment research.

Get full access to this article

View all access and purchase options for this article. [GET ACCESS](#)