



# Supreme Court Finds Life Without Parole Unconstitutional for Some Juvenile Criminals

Justices Rule 5 to 4, Ban Life Without Parole for Juvenile Offenders Who Didn't Kill

By DEVIN DWYER and ARIANE de VOGUE

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The [Supreme Court](#) ruled today that the 8th Amendment's ban on [cruel and unusual punishment](#) means [juvenile offenders](#) who haven't been convicted of murder shouldn't be sentenced to life in prison without any chance of parole.

Writing for a 5-to-4 majority, Justice Anthony Kennedy called life without parole an "especially harsh punishment" for a juvenile and said that while states may be permitted to keep young offenders locked up, they must give defendants "some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."

Three quarters of the states allow life without parole for juveniles, but there are only 111 juveniles serving such sentences, which, Kennedy pointed out, amounts to a national consensus against the practice.

"It becomes all the more clear how rare these sentences are, even within the jurisdictions that do sometimes impose them, when one considers that a juvenile sentenced to life without parole is likely to live in prison for decades," he wrote.

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Kennedy also cited the "diminished moral culpability" of a juvenile, who is often still maturing as an individual, and the prospect of rehabilitation as factors in the ruling.

The decision directly addresses two Florida cases involving teenagers put away for life following their convictions for non-homicide crimes. Joe Harris Sullivan was imprisoned at age 13 for raping an elderly woman, and Terrance Jamar Graham was sentenced at 17 for armed robbery while on parole.

Scott Makar, the solicitor general of Florida, had argued that the crimes committed by Graham and Sullivan were so violent that life without parole was justified. "We like to think that it is only used rarely," he said during oral arguments before the court, "in those cases that are justified for public safety purposes where we have very serious violent offenders."

A 6-to-3 majority of the justices disagreed with Makar on the specifics of the Graham and Sullivan cases.

Chief Justice John Roberts supported the majority on the facts of the specific cases but disagreed with

broader application of the sentencing rule.

"I would not, however, reach the same conclusion in every case involving a juvenile offender," Roberts wrote. "Some crimes are so heinous, and some juvenile offenders so highly culpable that a sentence of life without parole might be entirely justified under the Constitution."

## **Court Finds Juvenile Life Without Parole Unconstitutional**

Justices Samuel Alito, Antonin Scalia and Clarence Thomas joined in a dissenting opinion, criticizing the majority for trumping states' ability to determine their own sentencing guidelines by imposing "its own sense of morality and retributive justice." "I am unwilling to assume that we, as members of this court, are any more capable of making such moral judgments than our fellow citizens," Thomas said.

It was only four years ago that [the court](#) banned the [death penalty for juvenile offenders](#). Justice Anthony Kennedy, who wrote the opinion, relied on scientific data that showed that juveniles had not sufficiently matured to warrant a death-penalty sentence.

"The susceptibility of juveniles to immature and irresponsible behavior," Kennedy wrote, "means their irresponsible conduct is not as morally reprehensible as that of an adult."

The United States is the only country in the world that allows such a punishment. But victims' rights advocates argue that the attention should be focused on the crimes the young men committed.

In court briefs, the state of Florida described how Graham, just shy of his 17th birthday, joined with accomplices to bludgeon a restaurant manager over the head to steal money.

"Shortly after his release from a county jail," wrote Florida attorney general Bill McCollum, "Graham almost immediately resumed an even more violent criminal life."

### **A Second Chance, Wasted**

In court, the trial judge castigated Graham, who had been given a lenient sentence for his first violent offense and chose to "throw it away" after his release.

"Given your escalating pattern of criminal conduct, it is apparent to the court that you have decided that this is the way you are going to live your life and that the only thing I can do now is to try to protect the community from your actions," the judge said.

But some experts say that juveniles can change.

"I believe that kids are just less responsible than adults, and we can't hold them to the same standards of criminal culpability," said Laurence Steinberg, a professor at Temple University in Philadelphia.

"They are worse at making decisions, they are more easily coerced by others, and they have more trouble controlling their impulses," he said.

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