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US bans life without parole for minors in non-murder cases

By Lucile Malandain (AFP) – 6 hours ago

WASHINGTON — The US Supreme Court on Monday put an abrupt end to a controversial penal practice that only the United States was engaging in: slapping life sentences without possibility of parole on minors convicted of non-murder crimes.

The 6-3 decision came in the case of a Florida youth who was 16 when he committed armed burglary and another crime, and reached a plea agreement at age 17.

The youth, Terrance Graham, was initially sentenced to probation, but on violation of the probation he was sentenced to life with no parole.

The youth's lawyers challenged his sentence under the constitution's clause banning "cruel and unusual punishment," and the justices agreed.

"The clause does not permit a juvenile offender to be sentenced to life in prison without parole for a non-homicide crime," said the majority opinion.

According to the court, there are 129 juvenile non-homicide offenders serving life without parole sentences, of whom 77 are in Florida. The overwhelming majority of them are African-American young men.

"A state is not required to guarantee eventual freedom to a juvenile offender convicted of a non-homicide crime," the court said. "What the state must do, however, is give defendants like Graham some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."

"Life without parole sentences share some characteristics with death sentences that are shared by no other sentences," the court added.

"The State does not execute the offender sentenced to life without parole, but the sentence alters the offender's life by a forfeiture that is irrevocable.

"It deprives the convict of the most basic liberties without giving hope of restoration, except perhaps by executive clemency -- the remote possibility of which does not mitigate the harshness of the sentence."

The court also said that various studies indicate that the United States is the only nation that imposes life without parole sentences on juvenile non-homicide offenders.

"While the judgments of other nations and the international community are not dispositive as to the meaning of the (constitution's) Eighth Amendment, the court has looked abroad to support its independent conclusion that a particular punishment is cruel and unusual," the justices wrote.

"Terrance Graham's sentence guarantees he will die in prison without any meaningful opportunity to obtain release, no matter what he might do to demonstrate that the bad acts he committed as a teenager are not representative of his true character."

The group The Equal Justice Initiative, whose lawyers defended the case that brought the issue to the highest US court, called the news historic. The ban drew a parallel with the ban on the death penalty for minors issued by the same court in 2005.

"This is a significant victory for children," said Bryan Stevenson, Executive Director of the Equal Justice Initiative.

"The Court recognized that it is cruel to pass a final judgment on children, who have an enormous capacity for change and rehabilitation compared to adults. I am very encouraged by the Court's ruling.

"It's an important win not only for kids who have been condemned to die in prison but for all children who need additional protection and recognition in the criminal justice system," he stressed.

"The United States is the world's worst human rights violator in terms of sentencing young offenders to life without parole," said Alison Parker, US director for Human Rights Watch, urging the United States to catch up with global rights practices on the issue.

"International human rights law prohibits such sentences for those who commit a crime when under age 18, and the prohibition is universally applied outside of the United States," the rights watchdog noted.

Yet "at present, 2,574 persons are serving such sentences in the United States. As of April 2010, to Human Rights Watch's knowledge, not a single person was serving such a sentence anywhere else in the world."



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