

# Court Rejects Life Without Parole For Some Juveniles

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May 17, 2010

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The U.S. Supreme Court ruled Monday that it is an unconstitutionally cruel and unusual punishment to lock up teenagers for life without any chance of parole — if they didn't kill anybody.

The 6-to-3 ruling could open the prison doors for at least some of the 129 people serving life terms without parole for non-homicide crimes committed when they were under 18.

Florida leads the nation in meting out such life terms. Of the 129 juveniles sentenced to life in prison for non-homicide crimes, 77 come from the Sunshine State.

One of these led to the court's ruling. Terrence Graham was 16 when he took part in a robbery during which an accomplice hit a restaurant manager with a pipe. After serving a year in jail, Graham was released on probation. Six months later, he was arrested while fleeing from police in connection with another armed robbery. The judge, finding that Graham had violated parole by running from the police, this time sentenced him to the maximum permissible for the original crime — life in prison without parole.

## Juveniles Are Less Culpable

The Supreme Court declared that imposing such a penalty on a juvenile offender who has not killed anyone is so harsh and disproportionate in the context of the rest of the criminal justice system, that it violates the Constitution's ban on cruel and unusual punishment.

Monday, a six-justice Supreme Court majority ruled the sentence unconstitutional. Writing for five of the justices in the majority, Justice Anthony Kennedy pointed to the court's 2005 decision declaring the death penalty unconstitutional for juveniles. The same sort of categorical rule should apply to life without any possibility of parole in homicide cases, he said. Chief Justice John Roberts wrote a separate and narrower decision, speaking for himself alone.

The court's decision was far broader. It said juveniles are deemed less culpable than adults; scientific evidence shows there is no way to predict who will remain dangerous and who are just going through a passing phase. And a life sentence without parole does not allow the offender the chance to ever "demonstrate that he is fit to rejoin society." The court admitted that non-homicide crimes can be horrific, but said crimes are different when nobody is killed.

Finally, the court said that while 37 states have laws allowing life terms without parole for juveniles, in practice, only Florida, 10 other states and the District of Columbia impose the penalty. Thus, the court concluded there is no national consensus that such juvenile offenders are among the worst of the worst, justifying such a serious penalty with no hope of release from prison.

The court, however, did not require Florida to release Graham or any other juvenile sentenced to life. Rather, the justices said, the states must give defendants like Graham some "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."

## A 'Ripple Effect' On States

Bryan Stevenson, who represents juvenile offenders across the country, says states have a "variety of ways" to comply with the Supreme Court's decision. But the most likely is to allow for parole of juvenile offenders. Florida is one of some 20 states that have abolished parole. To comply with the Supreme Court's decision, some or all of these states may opt for re-creating parole for juvenile lifers in non-homicide cases.

The decision "will have a ripple effect," says Cully Stimson, a senior fellow at the Heritage Foundation. "It will take some time for the states who authorize this sentence to tweak the laws on the books to sort out what happens."

In eliminating life-without-parole sentences for juveniles, the court stressed the importance of rehabilitation. Among those who urged that approach in a brief filed with the court is former Sen. Alan Simpson, a Republican from Wyoming. A one-time juvenile offender himself, Simpson says it's a mistake to permanently lock up juvenile offenders.

"You pick them out of there at the age of 30 or 40 and say, 'Have you learned to read? What have you done in here? Are you the assistant librarian? You make the best license plates? What are you doing?' " Simpson says. "If they just grunt, throw them in there for the rest of their life.

"But for God's sake, give a guy a chance if he's trying to do something different and sort them out case by case."

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