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Supreme Court bars some life terms for juveniles

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By James Vicini

WASHINGTON (Reuters) - The U.S. Supreme Court ruled Monday it was unconstitutional to sentence juveniles to life in prison without parole for crimes other than murder.

The nation's highest court ruled that life imprisonment without parole in such cases violated the Constitution's ban on cruel and unusual punishment under the Eighth Amendment.

The United States has been the only nation in the world that sentences juveniles to life in prison without the possibility of release for crimes other than murder, Justice Anthony Kennedy said in the court's majority opinion.

He said 129 offenders were under the age of 18 when they committed their crimes and are serving such life sentences. Of the total, 77 are in Florida. Their violent crimes typically include rape, kidnapping and armed burglary and assault.

The ruling in a case from Florida was a victory for Terrance Graham, who was 16 when he committed armed burglary and another crime. He then committed an armed home-invasion robbery at age 17 and was sentenced to life in prison.

Six of the nine justices voted that Graham's sentence was unconstitutional. But only five of the justices held that the new rule applied to all other cases.

Kennedy said 37 of the 50 states, Washington, D.C., and the federal government all allowed sentences of life without parole for a juvenile nonhomicide offender in some circumstances.

BIG, CONSEQUENTIAL RULING

"The Supreme Court today has handed down its biggest and potentially most consequential Eighth Amendment ruling for non-death penalty cases in its history," Ohio State University law professor Douglas Berman said.

Kennedy said a state was not required to eventually release a juvenile offender. But it must give a meaningful opportunity for the offender to obtain possible release from prison, based on demonstrated maturity and rehabilitation.

Kennedy agreed with the argument made by opponents of such sentences that they unfairly condemned adolescents to die in prison and rejected any hope the juveniles could change and be rehabilitated.

Human rights groups applauded the ruling.

"The United States is the world's worst human rights violator in terms of sentencing young offenders to life without parole," Alison Parker, U.S. director for Human Rights Watch, said after the ruling.

Nationwide juvenile sentencing trends in recent years have reflected get-tough efforts by states, which have abolished parole and prosecuted juveniles as adults in the regular criminal justice system for especially heinous crimes.

Attorneys for Graham partly based their arguments on the Supreme Court's ruling in 2005 that abolished the death penalty for juveniles on the grounds they are less responsible for their crimes than adults due to their emotional immaturity.

In Monday's ruling, the Supreme Court adopted the same reasoning. Kennedy cited scientific studies showing that the same immaturity that makes teenagers more susceptible to peer pressure and external influences also make them strong candidates for rehabilitation.

'AN ESPECIALLY HARSH PUNISHMENT'

"Life without parole is an especially harsh punishment for a juvenile. Under this sentence, a juvenile offender will on average serve more years and a greater percentage of his life in prison than an adult offender," he wrote.

Bryan Stevenson of the Equal Justice Initiative, who had challenged such sentences, said, "It is 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."

Critics of the ruling, like attorney Gene Schaerr, who had filed a brief in the case, denounced the decision for essentially creating a "get out of jail free" card for under-age criminals convicted of heinous violent crimes.



The ruling drew a strongly worded dissent from conservative Justice Clarence Thomas.

"For the first time in its history, the court declares an entire class of offenders immune from a noncapital sentence using the categorical approach it previously reserved for death penalty cases alone," he wrote.

Thomas said he agreed with one of the justices in the majority that the court sometimes learns from its mistakes. "Perhaps one day, the court will learn from this one," Thomas said.

The Supreme Court case is *Graham v. Florida*, No. 08-7412.

(Editing by David Alexander and Cynthia Osterman)

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