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Supreme Court Rules Out Life Terms for Juveniles Who Haven't Killed

By JESS BRAVIN

WASHINGTON—The Supreme Court ruled Monday that it is unconstitutional to sentence juveniles to life without parole for crimes short of murder, with Justice Anthony Kennedy and the court's liberals agreeing that such sentences were cruel and unusual.

The case was the latest in a series of milestone opinions by Justice Kennedy that have broadened the scope of the Eighth Amendment, which prohibits "cruel and unusual punishments." Earlier rulings eliminated the death penalty for juveniles and ended it for crimes short of murder.

Chief Justice John Roberts, in a break from fellow conservatives, voted with the majority to reverse the life without parole sentence in the case at hand. But he wrote separately to say that such severe punishments should be available for more heinous offenses.

Justice Kennedy wrote that life without parole "improperly denies the juvenile offender a chance to demonstrate growth and maturity." He was joined by Justices John Paul Stevens, Ruth Bader Ginsburg, Stephen Breyer and Sonia Sotomayor.

Conservative Justices Clarence Thomas dissented, joined in full or in part by Justices Antonin Scalia and Samuel Alito.

In his dissent, Justice Thomas said the court was rejecting the judgment of Congress and state legislatures that life without parole might be appropriate in the "very worst cases." He said the majority reached "far beyond any cognizable constitutional principle ... to ensure that its own sense of morality and retributive justice pre-empts that of the people and their representatives."

The court's ruling affects fewer than 150 inmates, according to studies. Most of them are in Florida prisons. But it strongly affirms the court's century-old approach to Eighth Amendment cases, in which the justices weigh the broad constitutional language in light of the "evolving standards of decency that mark the progress of a maturing society."

That phrase comes from a 1958 Supreme Court opinion authored by then-Chief Justice Earl Warren.

Justice Kennedy wrote that the U.S. is the only nation that imposes life without parole on juveniles who haven't committed murder. He said that while international opinion didn't bind the court, it offered "respected and significant confirmation for our own conclusions."

The court was ruling in the case of Terrance Graham, now 23, who was sentenced to life for armed burglary of a Jacksonville, Fla., barbecue restaurant at age 16. He had a long rap sheet of earlier crimes.

In the court's last major juvenile justice case, *Roper v. Simmons* in 2005, it held that it was unconstitutional to execute anyone for a crime committed as a juvenile. There, the court found that juveniles lack the "psychological maturity" to fully comprehend the gravity of wrongdoing that would justify death. "Even a heinous crime committed by a juvenile" might not reflect an "irretrievably depraved character," the court said.

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