

The Seattle Times

Wednesday, May 19, 2010 - Page updated at 06:01 PM

Permission to reprint or copy this article or photo, other than personal use, must be obtained from The Seattle Times. Call 206-464-3113 or e-mail resale@seattletimes.com with your request.

Treating juvenile offenders differently

THE U.S. Supreme Court astutely ruled that juveniles who commit crimes in which no one is killed cannot be sentenced to life in prison without possibility of parole.

Sentencing juveniles to prison for the rest of their lives is judicial overkill that the court correctly singled out as an infringement on the constitutional ban on cruel and unusual punishment.

This is not about being soft or hard on criminals. Young people convicted of serious crimes still can be given lengthy sentences, including life in prison. But as Justice Anthony Kennedy wrote in the 5-4 decision, states must provide a realistic opportunity for release within a juvenile's lifetime.

It is a welcome distinction that reaffirms an important principle in American justice: Juvenile offenders sometimes learn from their mistakes.

The high court's ruling changes the game for 37 states but not Washington state, where juveniles have never been locked away for life for non-homicide crimes. Credit our state for an appropriate focus on lengthy sentences when justified, but always with the option of parole.

The Supreme Court case, *Graham vs. Florida*, offered an important illustration of the problems with locking away juveniles.

In 2003, 16-year-old Terrance Graham helped rob a Jacksonville, Fla., restaurant and an accomplice beat the manager with a steel bar. Graham was sentenced to a year in jail and three years' probation. A year later he committed a second robbery and was sentenced to life in prison for violating parole.

Chief Justice John Roberts was moved to vote with the majority in the narrower 6-3 agreement that Graham's sentence was so harsh it violated his Eighth Amendment protections. On the overall question of life-without-parole sentences for juveniles, Roberts sided with dissenters, saying it depends on the case.

We disagree. In the past, the Supreme Court has exempted from the death penalty juveniles and crimes that don't involve homicide. It was appropriate for the court to extend protection of juveniles to include life sentences without parole.

Copyright © The Seattle Times Company