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## Evolving decency

### In a signal decision Monday, the high court offered juveniles the option of life outside prison walls

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The U.S. Supreme Court nudged the nation another notch up the standards of decency on Monday with a welcome decision regarding punishment for crimes committed by juveniles.

The court declared it unconstitutional, a violation of the Eighth Amendment's ban on cruel and unusual punishment, for states to consign juveniles under the age of 18 to life in prison without possibility of parole for crimes that do not involve homicide. Writing for the majority, Justice Anthony M. Kennedy said that if a state "imposes the sentence of life, it must provide [the offender] with some realistic opportunity to obtain release before the end of that term." A state need not guarantee release, he wrote, but it cannot assert, by denying the possibility of parole, that a young offender "never will be fit to re-enter society."

Like the 2005 decision that prohibited the death penalty for juveniles, the ruling in *Graham v. Florida* has drawn a legal and moral baseline, this time in the sentencing of juveniles who commit serious offenses short of homicide. None too soon, the court has rejected the notion that the response to violent juvenile crime, in effect, is to lock up the offenders and throw away the key.

At 17, Terrance Graham was convicted for a restaurant robbery in Jacksonville, Fla. during which an accomplice severely beat up the manager. While on probation, Graham took part in a home invasion for which he was sentenced to life in prison without parole. Chief Justice John Roberts agreed with five justices that the sentence was "extraordinarily severe." But he dissented from the majority opinion that as a category, juveniles who have not committed a homicide should be protected from the uncompromising harshness of life-without-parole sentences.

The majority's argument was reaffirmed with simple clarity in Justice John Paul Stevens' concurring opinion. Underlying the Eighth Amendment is the moral principle that punishment should be proportional to the crime. He reminded that for at least a century, the "evolving standards of decency" have played a central role in defining the Eighth Amendment and what is acceptable punishment: "Society changes. Knowledge accumulates. We learn, sometimes, from our mistakes. Punishment that did not seem cruel and unusual at one time may, in the light of reason and experience, be found to be cruel and unusual at a later time. . . ."

Scientific knowledge now shows us the differences between the adult and the developing adolescent brain. More so than even a half-century ago, we understand that the teenage brain is not fully capable of judging risks or restraining strong impulses. The light of reason and experience indicates that young brains mature and change, that rehabilitation is possible. To continue to commit juveniles to a lifetime in prison without option of parole is to deny both that children mature and change and that societies and the standards of decency evolve with cumulative knowledge.

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