



This is a printer friendly version of an article from www.nashuatelegraph.com
To print this article if a print dialogue does not open automatically, open the File menu and choose Print.

[Back](#)

Life with no parole too severe for teens

Is sentencing youthful offenders under the age of 18 to life in prison without a chance of parole a violation of the Eighth Amendment's ban on cruel and unusual punishment?

That's the question now before the U.S. Supreme Court after it heard arguments earlier this week on two Florida cases that could further define how state criminal justice systems deal with their most problematic juvenile offenders.

Four years ago, the high court ruled that states cannot put to death anyone under the age of 18 no matter the seriousness of their crimes. This time, the nine justices are being asked to decide whether life-without-parole sentences are appropriate in two Florida cases where no one's life was taken.

In one case, Terrence Graham, then 16, was charged with trying to rob a Jacksonville restaurant in 2003. After pleading guilty in return for three years on probation, he was arrested a year later for breaking into an apartment and robbing two men with a gun.

In the other, Joe Sullivan, then 13, was found guilty of sexually assaulting a 72-year-old woman while committing a burglary in Pensacola in 1989. Despite his young age, he already had been found guilty of 17 other offenses.

Both Graham and Sullivan eventually were sentenced to life in prison without parole, which is allowed under Florida law.

As it turns out, Florida is the national leader in incarcerating juveniles for life for offenses other than murder or manslaughter.

Of the 111 juveniles serving such sentences in the nation, 77 are doing their time in Florida prisons. In all, 2,570 juveniles are serving life-without-parole sentences in the United States, the vast majority for crimes that resulted in someone's death.

While that represents a tiny percentage of those serving life sentences today, that there are any makes us rather unique in our treatment of juvenile offenders. The United States is the only country in the world that imposes life-without-parole sentences for crimes committed prior to the age of 18, according to Human Rights Watch, an international human rights organization.

In Germany, for example, the maximum sentence that can be imposed on someone under 18 for any crime is 10 years; in Italy, it's 24. And in England, the maximum sentence is based on about half of that given to an adult under similar circumstances.

Fortunately, as mentioned earlier, we're not talking about a lot of cases here. But that doesn't mean people on both sides of this issue don't feel passionately about it.

Proponents of these laws point out that teens are handed these sentences only in the most egregious of circumstances with the understanding that not everyone is a candidate for rehabilitation. And despite their young age, they argue, they are still old enough to know right from wrong.

Opponents cite studies that show significant differences between the adult and adolescent minds, including a lack of maturity that makes it more difficult for them to grasp the consequences of their actions. As such, they are also much more prone to succumbing to peer pressure.

In fact, it was that type of thinking that led a divided high court to ban capital punishment for juveniles in 2005.

"The age of 18 is the point where society draws the line for many purposes between childhood and adulthood," Justice Anthony Kennedy wrote on behalf of the 5-4 majority in *Roper v. Simmons*. "It is . . . the age at which the line for death eligibility ought to rest."

We believe that's also where the line for lifetime imprisonment for juveniles should be drawn, particularly for those cases that did not end in death. Locking a 17-year-old up with no chance of parole for an armed robbery conviction certainly pushes the boundaries of cruel and unusual punishment.

To be clear, we're not saying that these teens shouldn't be punished appropriately. Nor are we even saying that life sentences should be off the table for more heinous offenses.

But we are suggesting that no juvenile should ever receive a life sentence knowing he or she will never have the opportunity to at least seek supervised release once they reach adulthood.

© 2009, Telegraph Publishing Company, Nashua, New Hampshire