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Life without parole: A juvenile's case comes before the Supreme Court

By Elizabeth Hovde, Oregonian columnist

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Who would suggest that a 13-year-old boy is beyond redemption or incapable of change?

A Florida judge did 20 years ago, when sentencing Joe Harris Sullivan to life in prison without the possibility of parole. Sullivan was 13 and convicted of beating and raping an elderly woman. The crime was heinous and Sullivan's past a total wreck, riddled with serious offenses. Judge Nicholas Geeker said of Sullivan, "He is beyond help. I'm going to try to send him away for as long as I can."

"As long as he could" turned out to be the entirety of Sullivan's life. He was sentenced to die in prison.

Judges have a difficult job, and I am sure Geeker tried his best to protect society and bring justice to the woman Sullivan harmed. But two decades later, the U.S. Supreme Court is considering Sullivan's sentence, with human rights activists rightly urging the court to rule that a life-without-parole sentence for a child represents cruel and unusual punishment.

There's a good chance the court will. In 2005, Supreme Court justices righted a similar wrong, banning the death penalty for minors. And opponents of life-without-parole sentences for juveniles point out that only a handful of countries allow the harsh penalty. (Meanwhile, an estimated 2,500 inmates in the United States are serving life without parole for offenses they committed as juveniles.)

Youth offender advocates are assuring those worried about societal safety that no one is asking for a get-out-of-jail-free card. As Connie de la Vega, a professor of law at the University of San Francisco School of Law, told Newsweek: "We aren't saying that all of these kid offenders should be let out. They should be given a chance to rehabilitate themselves. They should be given the chance to apply for parole, even if it's after 10 or 15 years." Parole, of course, could be denied if a criminal were unchanged or a continuing threat to society.

But if one of the goals of our justice system truly is rehabilitation, how can we not at least take a second look at those who were locked up before they were old enough to drink a beer or drive a car? Who is more worthy of a second chance to contribute to society than those put away as children?

Sullivan is a good test case. He was sentenced to life for a nonhomicide crime at just 13, has served 20 years and is confined to a wheelchair because of multiple sclerosis.

Getting people behind the idea of life-without-parole sentencing for teens on the edge of adulthood is a harder sell. In fact, there is a partner case before the court involving a man who was sentenced to life without parole at 17. While the Sullivan case seeks to ban sentences for children younger than 14, the other aims to end the practice for anyone younger than 18.

The justices will grapple with whether to draw the line on these sentences and at what age. And they might end up supporting continued case-by-case decision-making in states that allow life-without-parole sentences for minors.

But as Justice Ruth Bader Ginsburg remarked, our laws routinely make distinctions based on age alone. We say that no child can drive or vote. We don't determine which children could handle the responsibility and which ones could not. Forbidding life without parole for all juveniles would be consistent with our approach to minors in other areas, and life-*with*-parole sentences would allow a case-by-case determination of sorts at a more appropriate time.

Regardless of what the high court decides, individual states should do away with these no-hope sentences for juveniles. A handful of them have. Oregon has not.

Scientific research shows that a juvenile's brain and behavioral maturation continues well into young adulthood. Not only does that suggest young offenders should receive less severe forms of punishment, it suggests that they have a

good shot at transformation.

Scott Burns of the National District Attorneys Association isn't compelled by the science and was quoted in Newsweek as saying, "An elderly woman is raped and beaten, and trying to blame it on some theory that juvenile brains are different doesn't help the victim." But a life-without-parole sentence doesn't truly help the victim either.

No one is suggesting juveniles should be unaccountable for their actions or that these offenders deserve a second chance. But if a juvenile offender isn't worthy of a shot at redemption, who is? And if we all got what we deserved in this life, a lot of us would be in a heap of trouble.

Children don't magically turn into adults when they rob a house or pull a trigger. It's time our legal system stopped treating them as if they do.

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