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Don't throw kids away

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The gist: The Supreme Court should reject locking up children for life for crimes other than murder

Florida is ground zero for a question that the U.S. Supreme Court was pondering this past week: Is it constitutional for judges to send children to prison for the rest of their lives for crimes other than murder?

The case before the high court demonstrates how far out of the legal mainstream Florida is on this issue.

Nationally, just 109 prisoners are serving life sentences without the possibility of parole for crimes — short of homicide — that they committed as minors. But 77 of them, more than two out of three, are in Florida. No other state comes close — California has four.

Florida's outlier status largely reflects the visceral reaction of state lawmakers to a rise in juvenile crime during the 1990s. Tallahassee was especially alarmed by a wave of teen attacks on tourists that made headlines around the world and threatened the state's visitor-driven economy. The response from lawmakers included legislation that allowed more hard-core criminals under 18 to be tried and sentenced as adults.

At the Supreme Court this past week, lawyers for two Florida men given life without parole for crimes they committed as minors challenged those sentences as violations of the Eighth Amendment ban on cruel and unusual punishment. One criminal, Joe Harris Sullivan, was convicted of raping a 72-year-old woman as a 13-year-old. The other, Terrance Graham, took part in a home invasion and armed robbery at 17 when he was on probation for another robbery.

Mr. Sullivan's crime was particularly heinous. But he is one of only two 13-year-olds in the nation sentenced to life in prison for a crime that didn't involve homicide. The other is also being held in — you guessed it — Florida.

Yet adolescents' developing brains work differently than adults,' as two medical groups noted in filing a friend-of-the-court brief. Children are more impulsive and lack the judgment of grown-ups.

Such differences are widely acknowledged in laws that make kids wait until at least 16 to drive, 18 to vote and 21 to drink. The same reasoning led the Supreme Court in 2005 to outlaw the death penalty for crimes committed before 18.

In Florida's brief to the high court defending the state's juvenile sentencing law, it argued that it has the right to imprison for life criminals who are deemed permanent threats to society. Granted.

But when the criminal is a child, it's not realistic for a judge to conclude that the growing, changing



individual standing before the bench at sentencing can never be rehabilitated. Judges aren't issued crystal balls along with their black robes.

That kids can turn their lives around was a point stressed in court briefs by actor Charles Dutton and former Wyoming Sen. Alan Simpson. Both got in serious trouble as teens before they straightened out.

It would make far more sense to allow a parole board sometime in the future to decide whether a child convicted of a serious crime has been rehabilitated enough to get a shot at being a productive taxpaying member of society, rather than a tax-draining prisoner.

Texas and Colorado have amended their laws on juvenile sentencing to end life-without-parole sentences for children. Both states set 40 years as the maximum sentence before a parole review.

The Supreme Court appeared to be divided on the issue during arguments. Regardless of how the majority rules, Florida shouldn't have to be told that its practice of forever locking away minors who don't commit murder is as unreasonable as it is unusual.

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