

Editorial

MANDATORY SENTENCES UNJUST

SUPREME COURT RULES AGAINST INFLEXIBLE TERMS FOR JUVENILE KILLERS

That minors sometimes commit evil, hideous crimes goes without saying. That those convicted should always receive life in prison without the possibility of parole is another matter.

So said the U.S. Supreme Court in a 5-4 ruling Monday that saw swing-vote Justice Anthony Kennedy join the liberal wing of the court.

The justices said that, yes, juveniles can be sentenced to life without the possibility of parole but such a sentence cannot be automatic.

We "hold that mandatory life without parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment's prohibition on 'cruel and unusual punishment,' " said Justice Elena Kagan, writing for the majority. She was joined in the opinion by Justices Kennedy, Ruth Bader Ginsburg, Stephen Breyer and Sonia Sotomayor.

Members of the court's conservative wing - Chief Justice John Roberts and Justices Antonin Scalia, Clarence Thomas and Samuel Alito - dissented.

According to data given the court, about 2,500 people are behind bars for life with no chance of winning their freedom for murders they committed before their 18th birthdays. Seventy-nine of them are in prison for crimes that took place when they were 14 or younger. More than 2,000 of them were there because the sentence was mandated by a legislature.

The ruling left open the possibility that judges could sentence juveniles to life without parole in individual cases of murder, but it said state laws cannot automatically impose such a sentence.

In other words, judges will judge each case rather than having a legislative body simply decree. Is that not why we hire judges?

One of the reasons California's prisons are so crowded today is because of mandatory sentencing laws that often leave judges no discretion to consider defendants individually.

This is not to say sentences for the most vicious and hardened criminals should not be severe, no matter the age of the defendant. It is to say that a judgment should be made in each case based on the evidence, the defendant's history and the potential for rehabilitation.