

## High Court to Look at Life Sentences for Juveniles

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The Supreme Court announced yesterday that it will decide whether a 13-year-old convicted of rape must spend the rest of his life in prison, a new front in the court's examination of whether sentences suitable for adults may be applied to teenagers.

The justices took two cases from Florida, one involving the 13-year-old and another involving a 17-year-old convicted in a home invasion, to decide whether the penalty of life imprisonment without the possibility of parole violates the Constitution's prohibition of cruel and unusual punishments.

The court's first public appearance since Justice David H. Souter announced his upcoming retirement produced several decisions and the announcement about cases it has accepted for the term beginning in the fall. But, as is the court's way, there was no acknowledgment of Souter's news, and he sat quietly while other justices announced the decisions.

Among the opinions was the court's unanimous ruling trimming prosecutors' ability to use a federal law on "aggravated identity theft" as leverage in cases against illegal immigrants. The court said the government must prove that the worker using a phony identification number knew that it belonged to someone else.

The most dramatic of the sentencing cases involves Joe Sullivan, now 33, who was convicted of rape two decades ago after a burglary at the home of a 72-year-old woman in Pensacola, Fla. The woman did not see Sullivan but identified his voice, and he was implicated by other, older boys who were part of the burglary.

Sullivan is being represented by Bryan A. Stevenson of the Equal Justice Initiative, which is challenging life sentences for juveniles in cases across the country in which the victim was not killed. Last week, a California appeals court struck down a sentence of life imprisonment without parole for a 14-year-old convicted of aggravated kidnapping.

Stevenson said Sullivan's case is extreme and "freakishly rare."

"Nationwide, Joe Sullivan is one of only two thirteen-year-old children who received life-without-parole sentences for crimes in which the victims did not die," his brief said. "Both of these sentences were imposed in Florida, making Florida the only state to have sentenced a thirteen-year-old to die in prison for a non-homicide."

Only a handful of countries allow life sentences without parole for juveniles.

The cases present a logical question for the court, which in 2005 decided that those younger than 18 are not eligible for the death penalty. During its last term, in a case involving a man who had raped a child, the court decided that capital punishment was not warranted for crimes in which the victim is not killed.

Attorneys for then-17-year-old Terrance Graham, sentenced to life imprisonment for a series of home invasions, said the court should review the policy because "virtually the entire international community has condemned this nation's practice."

The cases, which will be argued separately, are *Sullivan v. Florida* and *Graham v. Florida*.

The question in the immigrant worker case was what Congress meant when it said a mandatory two-year prison term could be tacked on to a sentence for other crimes if the individual "knowingly" uses the "means of identification of another person."

Ignacio Flores-Figueroa, a Mexican immigrant, gave his Illinois employer fake Social Security and alien registration cards. Both bore numbers that had been assigned to other people. Flores was convicted and sentenced under immigration laws, but he challenged the "aggravated identity theft" enhancement, saying the government could not prove that he knew the numbers belonged to someone else.

The government said it did not have to, but the court disagreed.

The Bush administration has used the threat of the law to induce illegal immigrants to plead to lesser charges and accept deportation. In a highly publicized raid last year on a kosher slaughterhouse in Postville, Iowa, authorities charged 270 workers with identity theft. All accepted deportation.

The case is *Flores-Figueroa v. U.S.*