

The Washington Post

Too young for life without parole

Tuesday, May 18, 2010; A18

NO ONE can predict which juvenile offenders with serious criminal records might be able to turn their lives around. Some will no doubt become more hardened behind bars and be unable safely to reenter society. Others, even those with terrible records, may find the will and the help they need to rehabilitate themselves enough to earn a second opportunity at freedom.

The Supreme Court's decision on Monday in *Graham v. Florida* guarantees that those who have committed serious crimes as teenagers get an opportunity for release once they reach adulthood even while leaving intact the government's ability to keep incarcerated those deemed too dangerous to release. This is the right call.

Some 37 states, the District of Columbia and the federal government allow life imprisonment without the possibility of parole for serious juvenile offenders convicted of nonhomicide crimes. Roughly 129 juveniles are serving such sentences, 77 in Florida. Terrance Jamar Graham was one of them. Mr. Graham was hit with a mandatory life sentence at age 17 after violating his probation for his involvement in a home invasion robbery; the year before he was involved in an attempted robbery of a Florida restaurant.

These crimes warrant serious punishment.

But a mandatory life sentence for a juvenile offender without the possibility of release is unconscionable, largely because it holds juveniles accountable as adults even though scientific data show that they are less able to assess risk, control impulses and comprehend consequences. It also ignores their capacity to change.

The Supreme Court ruled by a vote of 5 to 4 that such a sentence is unconstitutional, violating the Eighth Amendment's prohibition against cruel and unusual punishment. To prevent future abuses, the majority sensibly drew a bright line: No one convicted of committing a crime other than homicide before the age of 18 may be locked away forever without at some point being given the chance of making a case for release. That point may not come until the offender has spent 10, 20 or even 30 years behind bars. And there is no guarantee that such a

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plea would prevail. We believe the same opportunity-without-guarantee should exist even for those who commit homicide as juveniles, but the Supreme Court did not venture that far Monday.

"The Eighth Amendment does not foreclose the possibility that persons convicted of nonhomicide crimes committed before adulthood will remain behind bars for life," wrote Justice Anthony M. Kennedy in the majority opinion. "It does forbid States from making the judgment at the outset that those offenders never will be fit to reenter society."

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