Supreme Court Should Apply Roper Reasoning to Upcoming Juvenile Life-Without-Parole Cases

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The United States Supreme Court will hold oral arguments on November 9 in two cases, *Sullivan v. Florida* and *Graham v. Florida*, which will determine whether it is cruel and unusual punishment under the Eighth Amendment to sentence an adolescent who committed a non-homicide offense to life in prison with no opportunity for release.

Petitioners Joe Sullivan and Terrance Graham were both sentenced to life imprisonment without parole for offenses that did not involve homicide in Florida. Sullivan was 13 years old when he was sentenced to spend the remainder of his natural life in prison. Graham received life without parole for a parole violation at 17 years old. He was sentenced without a trial.

Sullivan and *Graham* present an opportunity for the Court to affirm the reasoning put forth in *Roper v. Simmons*, which struck down capital punishment for juveniles. *Roper* established what every parent knows and what science confirms: adolescents are fundamentally different from adults in maturity and judgment.

The extensive body of research on adolescent development proves that adolescents have not reached the level of mental or emotional development that allows adults to make mature decisions, think through consequences, and control their impulses. This same developmental immaturity also makes adolescents the strongest candidates for rehabilitation as they grow older.

In *Roper*, the Court asserted that these significant developmental differences have direct bearing on the culpability of adolescents. The Court ruled that their immature judgment, impulsive decision-making, vulnerability to peer pressure, and inherent potential for rehabilitation reduce culpability such that sentencing them to death violates the Eighth Amendment.

These principles should be applied to the constitutionality of juvenile life-without-parole sentencing. The same transient qualities of adolescence that the Court relied upon in *Roper* make it similarly inappropriate to subject a teenager to a permanent punishment of life in prison without parole. It is cruel and inaccurate, as the Court has recognized, to pass a final and irreversible judgment on a person whose character is still forming and undergoing significant changes.

Every state acknowledges this relative immaturity of adolescents through civil laws mandating their differential treatment. States restrict adolescents from a wide range of activities that require more mature judgment, such as voting, driving, and consenting to sexual activity. In Florida, the State even restricts the age at which adolescents are allowed to get tattoos, operate golf carts, or attend professional boxing matches. Yet when it comes to criminal sanctions - such as those imposed on Sullivan and Graham - the State disregards this reasoning that young people are indeed categorically different.

The extreme rarity of the punishment shows that it is widely rejected by American society. Only six states are known to imprison juveniles for life without parole in non-homicide offenses. It has been eighteen years since any state sentenced a 13 year old to life without parole for a non-homicide offense. Sullivan is one of only two people in the entire country serving such a sentence. The total number of 13 *and* 14 year olds sentenced to life without parole for *any* offense over the last thirty years is 73. Florida is the only state nationwide with a first-time juvenile offender serving life without parole for armed burglary (Graham's offense). This kind of national repudiation has been recognized by the Court as a characteristic of cruel and unusual punishment prohibited by the Eighth Amendment. It should similarly be applied here.

Although not at issue before the Court, there is an appallingly disturbing component to these juvenile life-without-parole cases. Adolescents subjected to this punishment are disproportionately children of color. In fact, every single young person sentenced to life without parole for a non-homicide offense is a racial minority.

It is my hope that the Court follows its logic in *Roper* and acknowledges that these punishments must be tempered by an understanding that young people are categorically different in maturity and culpability.

Life-without-parole sentences were designed to deal with the most dangerous offenders who are beyond the pale of rehabilitation. Science, the Court's own precedents, and common sense all teach us that adolescents cannot reliably be categorized among the worst adult offenders. The Court ought to do away with this cruel and inappropriate sentence