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## When life is too long a sentence

Published Monday, November 9, 2009

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A divided U.S. Supreme Court on Monday heard arguments on Florida's throw-away-the-key approach to juvenile offenders. Justices heard two cases regarding whether sentencing an adolescent to life in prison without the possibility of parole for a nonlethal crime violates the Constitution. Despite some predictable tough-on-crime rhetoric, the answer should be clear: Short of a murder conviction, no child should be condemned to a lifetime behind bars without some chance to demonstrate he has reformed.

In *Graham vs. Florida*, Terrance Graham participated in a home invasion after being put on probation for an armed burglary he committed at 16. He was given life without parole for the probation violation. In *Sullivan vs. Florida*, Joe Sullivan received life without parole, after a one-day trial, for sexually assaulting an elderly woman at 13 years of age.

Adolescents are capable of shocking criminality, and society has every right to imprison juvenile offenders for long stretches both as a punishment and a deterrent. But it violates societal decency to tell a 13-year-old who did not kill anyone that his actions will condemn him to die behind bars. As the attorney for Sullivan told the court, it's comparable to a death sentence.

Florida has 77 juvenile offenders serving life sentences without the possibility of parole for nonhomicide crimes — the most of any state or nation. This excessively punitive approach was part of an overreaction to a rash of high-profile crimes perpetrated by adolescents in the 1990s.

Now the pendulum should swing back and allow for the recognition that children who commit crimes are different from adults. The issue is similar to the death penalty. In 2005, the high court said people who commit murder as juveniles cannot be put to death. It noted that the relative immaturity of adolescents made them inherently less responsible than adults and more subject to outside influence and peer pressure.

The other significant difference between children and adults is that children are still in the process of developing. They may change as they mature, for the better. But a sentence of life without parole recognizes none of these special characteristics of youth.

During Monday's argument, Chief Justice John Roberts did not sound interested in prohibiting the sentencing of juvenile offenders to life without parole. Instead he seems to want a juvenile's age to be part of a judge's consideration in setting the initial sentence. He suggested repeatedly that a sentence should be proportional relative to the crime committed *and* the age of the offender.

That would be a step in the right direction. But if Roberts' balancing is adopted, juveniles would still face the potential of receiving life without parole. The liberal justices were more open to a ban on the sentence. Justice Ruth Bader Ginsburg made a key point when she wondered whether it is possible to determine at the time of sentencing whether a juvenile can reform. It seems that such a consideration must be made at a later date. She's right, and juvenile offenders should be given that chance at some point before they die of old age in prison.

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