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## Juveniles serving life get US high court hearing

By Lucile Malandain (AFP) – 2 days ago

WASHINGTON — A deeply divided US Supreme Court opened hearings Monday into whether juveniles can be sentenced to life imprisonment for crimes that do not involve murder.

The high court began considering two separate cases to determine whether handing out sentences that effectively leave a minor to die in prison violates the Constitution's ban on cruel and unusual punishment.

Joe Sullivan, described as mentally challenged by his lawyers, has been languishing in jail without possible parole for raping an older woman in 1989, when he was just 13.

The second case concerns Terrance Graham, who began serving a life term in 2005 for his involvement in an armed burglary at the age of 17, while he was on parole after a robbery conviction.

For Graham, the sentencing judge appeared to waive any possibility of the young man's rehabilitation.

"The only thing that I can rationalize is that you decided that this is how you were going to lead your life and there is nothing that we can do for you," the judge said at the time.

Graham's lawyer Bryan Gowdy stressed to the high court that "we draw a line between homicide and non-homicide cases."

But Supreme Court Justice Samuel Alito asked whether "an offendant who is one month short of his 18th birthday, who commits the most horrible series of non homicide crimes, and shows no remorse, should never face life without parole?"

Progressive Justice Ruth Bader Ginsburg argued that "you can't really judge a teenager at the point of sentencing, but just after a while has passed," as far as potential rehabilitation is concerned.

Nearly 2,500 US prisoners are currently serving a life sentence for a crime committed when they were teenagers, including murder.

Both Sullivan and Graham are serving their sentences in Florida, where 70 percent of juveniles sentenced to life behind bars for crimes not involving murder are incarcerated.

New Justice Sonia Sotomayor appeared shocked at the possibility of deciding whether a minor could be locked up and never set free again. "There are records (of adult) people who have committed rape (who) have lesser sentences," she noted.

Randy Hertz, professor of clinical law at New York University School of Law, said the high court should consider the same arguments as when it ruled in 2005 to outlaw the death penalty for juveniles.

"Life without the possibility of parole is like capital punishment," he said, because it is a "one time irrevocable determination of the offender's final fate."

Israel is the only other country in the world with the same juvenile punishment practices, but on a smaller scale, according to a 2007 study from the University of San Francisco.

"The United States is the world's worst human rights violator in terms of sentencing these young offenders to life without parole," said Alison Parker, deputy US director for the watchdog Human Rights Watch.

In some US states, legislation is on the books that could see a child as young as eight or nine transferred to an adult court and be eligible to life without parole, although such punishment has only been applied to juveniles aged 13 and over, Hertz said.

Sentencing juveniles to life behind bars, he lamented, is determined "at a time when the offender is a child and so there is no way to predict what he or she would be like as an adult."

In the 2005 ruling, the top US court upheld an earlier ruling by the Missouri Supreme Court banning the execution of people convicted of crimes they committed before turning 18.

The court had ruled in 1988 that executing offenders who were younger than 16 when they committed their crimes was unconstitutional, but a few US states -- including Alabama and Texas -- still allowed execution for perpetrators of crimes committed at ages 16 or 17.

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People line up in front of the United States Supreme Court building to hear arguments in two cases



Map

