

# the CAMPAIGN for the FAIR SENTENCING of YOUTH

## About the United States Supreme Court Decision *Graham v. Florida*

On May 17, 2010 the Supreme Court of the United States ruled that sentencing youth who did not commit murder to life without parole is unconstitutional. Justice Kennedy authored 5 -4 decision in *Graham v. Florida* that held that the Eighth Amendment's prohibition against cruel and unusual punishment does not permit the imposition of a sentence of life without the possibility of parole for youth under the age of 18 in cases involving certain crimes.

***The Court was asked to consider whether sentencing juveniles to life without parole is constitutional only in non-homicide cases.***

- **The Court ruled that it is a violation of the 8<sup>th</sup> amendment to sentence a juvenile to life in prison without the possibility of parole if he or she did not commit murder**
  - “The limited culpability of such offenders; and the severity of these sentences all lead the Court to conclude that the sentencing practice at issue is cruel and unusual.” – *Graham v. Florida*, No. 08-7412, slip. op. at 23, 560 U.S. \_\_ (2010)
- **This is a categorical ban, including anyone under age 18 convicted of a crime other than murder.**
  - “As some *amici* note, the features that distinguish juveniles from adults also put them at a significant disadvantage in criminal proceedings. Juveniles mistrust adults and have limited understandings of the criminal justice system and the roles of the institutional actors within it. They are less likely than adults to work effectively with their lawyers to aid in their defense.” – *Graham v. Florida*, No. 08-7412, slip. op. at 27, 560 U.S. \_\_ (2010)
  - “Existing state laws. . . are insufficient to prevent the possibility that the offender will receive a life without parole sentence for which he or she lacks the moral culpability.” – *Graham v. Florida*, No. 08-7412, slip. op. at 26, 560 U.S. \_\_ (2010)

- **The Court extended its reasoning in *Roper* finding that kids are fundamentally different than adults. *Roper* was a 2005 decision that found that it is unconstitutional to sentence juveniles to death.**
  - “*Roper* established that because juveniles have lessened culpability they are less deserving of the most severe punishments.” – *Graham v. Florida*, No. 08-7412, slip. op. at 16, 17, 560 U.S. \_\_ (2010)
  - “As compared to adults, juveniles have a “‘lack of maturity and an underdeveloped sense of responsibility’”; they “are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure”; and their characters are ‘not as well formed.’” – *Graham v. Florida*, No. 08-7412, slip. op. at 17, 560 U.S. \_\_ (2010)
  - “Accordingly, ‘juvenile offenders cannot with reliability be classified among the worst offenders.’” - *Graham v. Florida*, No. 08-7412, slip. op. at 17, 560 U.S. \_\_ (2010)
  - “It remains true that ‘[f]rom a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor’s character deficiencies will be reformed.’” – *Graham v. Florida*, No. 08-7412, slip. op at 17, 560 U.S. \_\_ (2010)
  
- **The Court calls for meaningful review of all cases of juveniles who did not commit murder and were sentenced to life without parole**
  - “A State is not required to guarantee eventual freedom to such an offender, but must impose a sentence that provides some meaningful opportunity for release based on demonstrated maturity and rehabilitation. It is for the State, in the first instance, to explore the means and mechanisms for compliance.” – *Graham v. Florida*, No. 08-7412, slip. op at 24, 560 U.S. \_\_ (2010)

According to Human Rights Watch (HRW), **there are more than 2,500 individuals in prison in the United States serving life without parole sentences for crimes they committed under the age of eighteen, and none in the rest of the world.** There is much more work to be done to ensure that we never discard young people for crimes committed in their youth.

**The Campaign for the Fair Sentencing of Youth is dedicated to seeking a just alternative to sentencing youth to die in prison that will still hold youth accountable for their crimes.** Every young person convicted of serious crimes and sent to prison should have meaningful and periodic reviews of their sentences, to ensure that those who can prove they have reformed are given an opportunity to re-enter society as contributing citizens before they die.

**For more information go to [www.fairsentencingofyouth.org](http://www.fairsentencingofyouth.org)**